

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.349 OF 2016

Gajanan Khandu Awale

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Machindra Patil i/b V.R. Garad for the Applicant

Ms.Alpa Javeri, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 5, 2016**

P.C.:

1. This application is moved for bail as the applicant-accused is facing prosecution under sections 307 r/w 34 of the Indian Penal Code in C.R. No.335 of 2015 registered with Tilak Nagar police station, Mumbai. The offence was registered at the instance of one Shri Sanjay Balkrushna Kudkar on 17.10.2015. It is the case of the complainant that when he was proceeding on road with the co-accused, suddenly the applicant-accused started assaulting him with some edged weapon on his head, on ribs, stomach. He was taken for treatment in Rajawadi hospital and thereafter, the offence was registered.

2. The learned Counsel for the Applicant has submitted that the applicant-accused was arrested on the same day i.e., 17.10.2015 and therefore, this bail application. He submits that the applicant is innocent. The other two accused are released on bail. He further submitted that the

knife is recovered from him and chargesheet is filed. He submitted that the applicant-accused has no criminal antecedents. He be released on bail.

3. Learned Prosecutor has opposed the application. She submitted that the applicant-accused has assaulted the complainant on a number of times. She relied on the injury certificate. However, she confirms tha the applicant-accused has no criminal antecedents.

4. Perused the FIR. The name of the applicant-accused is specifically taken that he is the main assailant and has inflicted many blows. Perused the injury certificate. It shows the injuries are incised wounds on chest, in the stomach and hands. He has fracture on the frontal bone of the skull on the right side. There are no criminal antecedents and he is in prison since October, 2015 and, therefore, I am inclined to grant bail to the applicant-accused on the following terms and conditions:

- i) The applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount;
- ii) The applicant-accused shall stay out of Mumbai jurisdiction till 1st January, 2017 except the dates on which he is supposed to attend the dates before the trial Court;

- iii) The applicant-accused shall not tamper with the evidence or pressurise the complainant;
 - iv) The applicant-accused shall not indulge into any criminal activity and especially against the human body;
 - v) The applicant-accused shall not tamper with the evidence or pressurise the complainant;
 - vi) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.
 - vii) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail. shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.
5. Bail application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)