

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 939 OF 2016

Ganesh Madhu Mandavkar & Anr. ... Applicants
Vs.
The State of Maharashtra ... Respondent

Mr. Vinay J. Bhanushali, Advocate for the applicants.
Mr. S.H. Yadav, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **5th May, 2016.**

P.C.:

Not on board. Upon mentioning, taken on board.

2. This Application is moved for bail, as the applicants/accused are facing charges under sections 326, 452, 323 r/w. 34 of the Indian Penal Code in C.R. No. 108 of 2016 registered with Chembur Police Station.

3. It is the case of the prosecution that complainant Balkrishna Sakaram Kakre had quarrel with the father of the applicant/accused-Ganesh Madhu Mandavkar. Therefore, at around 11.30 p.m. applicant/accused Ganesh Mandavkar knocked the door of the house of the complainant and when the complainant opened the door, applicant-Ganesh Mandavkar assaulted the complainant on his right side of the neck with broken liquor bottle. When the wife of the complainant tried to resist, the applicant/accused-Sachin Porte gave fist blow to the complainant and thereafter they went away. The complainant sustained grievous injury. He was admitted to the

hospital and thereafter the offence was registered on the next day, i.e., 28th March, 2016 in the morning and the applicants/accused were arrested.

4. The learned counsel for the applicants/accused has submitted that the applicants/accused are arrested for the offences punishable under section 326 of the Indian Penal Code. They have no criminal antecedents. They are ready to abide by the terms and conditions imposed by this Court if released on bail. The applicant no. 1 has six months old daughter and his wife is suffering from severe anemia. He produced medical certificate. The learned counsel further submitted that as per the FIR, applicant no. 2 gave fist blow and therefore, the application be allowed.

5. Learned APP relied on the injury certificate. He submitted that the charge sheet is not yet filed, however confirmed that there are no criminal antecedents against the applicants/accused.

6. Perused the FIR and the injury certificate. The injury certificate discloses that there is one CLW on the right side of the neck of the complainant and it was a grievous injury. As per the FIR, the applicant no. 2-Sachin Keshav Porte gave only one blow to the complainant. Both the applicants/accused are in prison for more than one month. No criminal antecedents are to the credit of the applicants/accused. Hence, I am inclined to grant bail to the applicants/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
 - (ii) The applicants/accused be enlarged on bail on furnishing PR. Bond in a sum of Rs.25,000/- each with one or two sureties in the like amount;
 - (iii) The applicants shall not contact or pressurize the complainant or his family members.
 - (iv) The applicants shall attend the concerned police station on every Monday and Friday between 8 p.m. to 9 p.m. for one month and thereafter only on Monday till the filing of the charge sheet.
 - (v) The applicants shall not abscond or leave India without prior permission of the Court and furnish their permanent address to the Investigating Officer alongwith documentary proof of his address;
 - (vi) 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.
7. The Application for bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)