

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1742 OF 2016

Nilesh Bhausahab Shinde	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Aniket U. Nikam i/b. Mr. Aashish Satpute, Advocate for the applicant.
Ms. Veera Shinde, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 14th October, 2016.

P.C.

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 27.2.2016 in Crime No.33 of 2016 registered at Dindori Police Station for the offences punishable under Sections 307, 323 and 506 of the Indian Penal Code and under Section 5 read with Sections 25 and 27 of the Indian Arms Act. The investigation is completed and charge-sheet is filed in the Court. The case is committed to the Court of Sessions and registered as Sessions Case No.126 of 2016.

2. It is the case of prosecution that on 27.2.2016, Yogesh Boraste lodged a report at the police station alleging therein that he had

come to Dindori along with his father for some Bank work. At that time, the accused had threatened the complainant by brandishing his sword. It is also alleged that when the applicant was about to assault the complainant, the brother of the first informant intervened and had rescued him. It is alleged that in the said process, the brother of the complainant i.e. Sandip had received an injury near the right thumb.

3. Perused the papers of investigation.

4. The Injury Certificate of Sandip would show that he had sustained an abrasion on his right hand. The said injury was simple in nature.

5. The learned counsel for the applicant submits that by no stretch of imagination, it can be said that the said injury was with a sword. Be that as it may, the investigation is completed and charge-sheet is filed and, therefore, further incarceration would be unwarranted and unjustified. Hence, the applicant deserves to be enlarged on bail.

6. The observations are prima facie in nature and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(I) The application is allowed.

- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall report to Dindori Police Station on first Sunday of each month till framing of charge.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)