

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1885 OF 2015

Mr. Prakash @ Michael Mallappa Pawar.
..Applicant.

vs.

The State of Maharashtra and anr.
..Respondents.

Mrs. Anjali Patil for the Applicant.
Mrs. S.S.Kaushik, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 3rd February 2016.

PC:

The applicant is seeking bail in CR No.141/2015 registered with Vinobha Bhave Police Station, Mumbai under Sections 326, 506 read with 34 of the Indian Penal Code.

2) The first informant victim namely Deepak Pawar has lodged the report on 2.5.2015 stating that on 30.4.2015 at about 10.30 p.m. a quarrel took place between Shankar Ghadge on one side and Bhilla Pawar and the present applicant on the other side. The said quarrel was pacified by the complainant. That, on 2.5.2015 when the complainant was proceeding from Darul Masjid, Near Public Bridge, Makadwala Compound, Kurla at about 0.30 a.m. at that time the absconding accused Bhilla Pawar and the present applicant approached him and questioned him as to why he rescued Shankar Ghadge on the earlier occasion. The absconding accused and the applicant started beating the complainant. At that time the absconding accused Bhilla Pawar took out a knife and assaulted the complainant on his head. The complainant in his statement has

stated that the applicant assaulted him with a knife in the left armpit. They also threatened him and ran away. The complainant thereafter went to the hospital and was treated there. He thereafter lodged the first information report. After completion of investigation the police have filed the charge sheet.

4) The record discloses that the supplementary statement of the complainant was recorded on 8.5.2015. In his supplementary statement he has stated that the absconding accused Bhilla Pawar assaulted him with knife and the present applicant assaulted with iron rod on his head. The Medical Certificate annexed to the charge sheet indicates in all four injuries caused to the complainant. The Injury No.4 is CLW on occipital region which corroborates the version given by the complainant in his supplementary statement. However, the nature of the injury described is simple injury. The complainant in his first statement dated 2.5.2015 has ascribed the role to the applicant with knife. However, in his supplementary statement dated 8.5.2015 ascribed the role with an iron rod.

The learned APP submitted that there are no antecedents at the discredit of the applicant. In view of the same, I am of the opinion that the applicant has made out a case for his release on bail.

Hence, the following order.

ORDER

a) The applicant be released on bail in CR No.141/2015 registered with VinousBhave Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

b) After release from Jail the applicant shall attend the

Viobha Bhawe Police Station, Mumbai on every 1st and 3rd Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of the trial.

- c) The applicant shall also attend all the dates before the Trial Court.
- d) The applicant shall not tamper with the evidence and or influence the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)