

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.223 OF 2017

Shankar Balu Yadav

Applicant

versus

The State of Maharashtra

Respondent

Mr.Vijay Shankar Tiwari for Applicant.

Mr.M.G.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 4th July 2017

PC :

1. This is an application for bail in connection with CR No.223 of 2016 registered with Wadala T.T. Police Station under Section 326 read with Section 34 of Indian Penal Code ('IPC'). The charge was subsequently altered to Section 307 of IPC.

2. It is the case of prosecution that on 11th May 2016, the Applicant-accused had assaulted the husband of the first informant by iron rod and his associate Pappu @ Chetan had assaulted by bamboo stick. The injured sustained injuries to his chest. He was hospitalized and was discharged after six days. The nature of injuries sustained by the injured is simple and grievous. The grievous injury is sustained on the chest and 8th rib on the left side. Learned advocate for the Applicant submitted that the Applicant was arrested on 16th May 2016 and since then he is in custody. The investigation is complete and charge sheet is filed. It is submitted

that the Applicant is falsely implicated in this case. The alleged incident had occurred on 11th May 2016 and the first information report was lodged after three days on 14th May 2016. The role attributed to the Applicant is that he had assaulted by iron rod. The other arrested persons are released on bail.

3. Learned APP opposed the application. He submitted that the Applicant has been attributed overt act of assault by iron rod. He submitted that serious injuries were caused to the victim. The charge was altered to Section 307 from Section 326 of IPC. He submitted that one more case is registered against the Applicant prior to registration of present crime. The earlier case was registered under Section 392 of IPC.

4. Perused the documents on record. The Applicant has been attributed the overt act of assaulting the victim by iron rod. The weapon is allegedly recovered. The complaint was lodged by the wife of injured. There is delay of three days in lodging the FIR. The Applicant is in custody from 15th May 2016. It is debatable whether Section 307 is attracted in this case. The investigation is complete and charge sheet is filed. Further detention of the Applicant is not necessary. Hence, bail can be granted to the Applicant.

5. I, therefore, pass following order :

ORDER

- (i) Bail Application No.223 of 2017 is allowed;
- (ii) The Applicant is directed to be released on bail in connection with CR No.223 of 2016 registered with Wadala T.T.Police Station on

furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The Applicant is directed to report the investigating officer of Wadala T.T.Police Station, Mumbai once in a month on every first Saturday between 11.00 a.m. and 1.00 p.m. till further orders;

(iv) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)

MST