

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 362 OF 2017

Mukesh @ Tikki Bahadur Bhardwaj	.. Applicant
Vs.	
The State of Maharashtra & Anr.	.. Respondents

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Mr.G.K. Jadhav, Advocate for the Applicant.
Mrs.Veera Shinde, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JULY 12, 2017.

P.C. :

This is an application for bail. The applicant is arrested in connection with C.R. No.I-428 of 2016, registered with Waliv Police Station, District - Palghar for the offences punishable under Sections 143, 147, 148, 149, 307, 504 and 506 of IPC and under Sections 37(1)(3) and 135 of the Maharashtra Police Act. The prosecution case is that the injured Fardeen was assaulted by the applicant and other accused. The statement of the injured was recorded on 26th August, 2016. The incident had occurred on 18th August, 2016. The applicant was arrested on 22nd August, 2016. The injured had stated that the applicant had assaulted him by using iron rod and blow was given on his chest. The other accused had assaulted the injured with sharp weapons.

Complainant has, however, not named the applicant. Other witnesses have referred to the applicant as one of the assailant but specific overt-act has not been attributed. The learned counsel for the applicant submits that the applicant is in custody since 22nd August, 2016. The investigation is completed and charge-sheet has been filed. He placed reliance on the medical certificate which shows that the injured had sustained two injuries with sharp weapons. He submitted that there is no injury apparently by using iron rod. It is further submitted that the victim was discharged from the hospital.

2 Learned APP opposed the application for bail. It is submitted that there are independent eye witnesses to involve the applicant in the crime. It is submitted that the points raised by the applicant can be agitated during the trial.

3 Perused the charge-sheet. The first informant has not named the applicant. However, the injured person has attributed the role to the applicant as a person who assaulted by iron rod. Medical certificate reveals that the injuries were caused by sharp weapons. The applicant is in custody since 22nd August, 2016. Charge-sheet has been filed. Further detention of the applicant is

not necessary. There are no criminal antecedents against the applicant. Hence, bail can be granted to the applicant.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.362 of 2017 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No.I-428 of 2016, registered with Waliv Police Station, District - Palghar, on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or more sureties in the like amount;
- (iii) The applicant is directed to report Waliv Police Station, District - Palghar, once in a fortnight on Saturday between 11.00 a.m. to 1.00 p.m.;
- (iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)