

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

CRIMINAL BAIL APPLICATION NO. 717 OF 2017

Guruswamy Shambu Nadar	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

.....
Mrs. Mallika Ingale, Advocate for the Applicant.
Mrs. Veera Shinde, APP for the Respondent - State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 6, 2017.

P.C. :

This is an application for regular bail. The applicant is arrested in connection with C.R.No.468 of 2015, registered with Malad Police Station, Mumbai for the offences punishable under Sections 307, 324, 504 and 506 read with Section 34 of the IPC. FIR was registered on 24th September, 2015. The applicant came to be arrested on 3rd November, 2016.

2 The prosecution case is that the complainant along with other persons were returning home after attending Ganesh immersion ceremony. At that time the accused assaulted the complainant and other persons.

3 The learned advocate for the applicant submitted that the incident had arisen on account of rivalry between the two groups. She further submitted that offence punishable under section 307 is not made out considering the nature of the injuries sustained by the injured persons. It is submitted that the investigation is completed and charge-sheet is filed. She further submitted that two persons including the brother of the applicant has been released on bail by the Sessions Court.

4 Learned APP opposed the application for bail. She pointed out that the applicant was armed with weapon which was used for assaulting the injured persons. She submitted that whether the offence under Section 307 is made out or not will be decided at the time of trial.

5 I have perused the FIR and the order passed by the Sessions Court. I have also gone through the material on record which has been annexed to this application. On perusal of the medical certificate, it is apparent that all the injured persons had sustained simple injuries. Applicant is young boy aged about 20 years. There are no criminal antecedents against the applicant.

Applicant had submitted that he is permanently residing in Mumbai along with her mother and brother.

6 Taking into consideration the aforesaid facts, I am inclined to allow this application for bail.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Applicant be released on bail in connection with C.R.No.468 of 2015 registered with Malad Police Station, Mumbai on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in the like amount;
- (ii) Applicant to attend Malad Police Station, Mumbai once in a week on every Saturday between 5.00 to 7.00 p.m.;
- (iii) Applicant should furnish the address of his native place to the Investigating Officer;
- (iv) Applicant should not tamper with the prosecution witnesses;

(v) Bail Application stands disposed of
accordingly.

(PRAKASH D. NAIK, J.)