

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 670 OF 2016

Shri Imran Akhtar Sayyed	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.Niranjan Mundargi i/b. Mr.V.V.Purwant, Advocate for the applicant.
Mrs.P.P.Shinde,APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 19th January, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 30.9.2015 in Crime No.336 of 2015 registered at Kalwa Police Station on 1.9.2015. The investigation is completed and charge sheet is filed on 26.12.2015.

2. It is the case of the prosecution that on 1.9.2015, one Sandip @ Sanjya was taken to Chhatrapati Shivaji Hospital. The injuries sustained by him were grievous in nature and he was, therefore, taken to Jupiter Hospital at Thane. At the time of admission, he was unconscious. While Sanjya was taking treatment in the hospital, Devidas Gadekar, who happens to be the brother of the injured lodged a report at the police station alleging therein that on 31.8.2015, he was informed that his brother Sanjya is being

assaulted by 5 – 6 persons. He rushed to the spot. He saw the girlfriend of Sanjya and others lifting Sanjya in an injured condition. His brother had sustained bleeding injuries on his head, stomach and neck. While in transit, upon enquiry, he had disclosed that one month prior to the incident, he had quarreled with Balya and he was threatened of dire consequences. Babita had disclosed that Sanjya was assaulted by the brother of Balya i.e. Pintya and 5 – 6 other persons.

3. On 8.9.2015, the statement of the injured was recorded in Jupiter Lifeline Hospital at Thane. He had disclosed that on 31.8.2015, at about 10.15 p.m. he had been to laundry. At that time, he was suddenly assaulted by Kalya Pintya @ Suresh Bansode and Pangya @ Anant Jayaram with sword and chopper. It is alleged that after they had assaulted. They left the house and at that stage, the present applicant, who was working as a driver, along with others, had chased the injured and had pelted the pavers blocks at him, due to which he sustained injuries on his back.

4. It is pertinent to note that Anant, who was armed with chopper, has been enlarged on bail. As on today, the investigation is completed and charge-sheet is filed. It is not the case of the prosecution that the applicant is the author of grievous injuries sustained by the injured.

5. Taking into consideration all these aspects, this Court is of the opinion that the applicant deserves to be enlarged on bail.

6. The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration 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 his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall report to Kalwa Police Station on first Sunday of each month till framing of charge.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)