

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

CRIMINAL BAIL APPLICATION NO. 1318 OF 2017

Murli Parmeshwar Reddy ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Pankaj Kavale for the applicant.

Mr. Arfan Sait, APP for the respondent – State.

ASI P. D. Bhosale, Kopari Police Station present.

CORAM : PRAKASH D. NAIK, J.

DATE : 2 AUGUST, 2017

P.C. :

1. This is an application for bail in connection with CR No.I-23 of 2016 registered with Kopari Police Station, Thane for the offences punishable under sections 307, 342 read with 34 of IPC, sections 4, 25 of the Arms Act, sections 37(1), 135 of the Bombay Police Act.

2. The applicant was arrested on 23rd April, 2016. The FIR was lodged on 22nd April, 2016 in respect to the incident which had occurred on 21st April, 2016.

3. The case of the prosecution is that the complainant and his friend were travelling by motor cycle. The accused obstructed them

and thereafter the complainant was assaulted. The applicant gave blows by sword on the injured persons. The injured tried to avoid the blow on head by putting his hand which has resulted in injuries to his hands. He had also sustained injury on his head. In pursuant to that the applicant and the co-accused were arrested. The investigation is completed and the chargesheet has been filed.

4. It is submitted by the learned advocate for the applicant that the applicant is in custody from date of arrest and no further detention is required. The investigation is completed and the chargesheet has been filed. It is further submitted that the injured was discharged from the hospital after few days. The nature of the injuries sustained by him were mostly of simple nature except one injury which is of grievous nature. It is submitted that there was no intention to kill the deceased and therefore section 307 of IPC is not attracted. It is further submitted that the applicant is aged about 20 years and he is a student. He has passed 12th Standard examination and has taken admission for the first year of B.A. course. He submitted that continued in detention will jeopardize the career of the applicant, therefore, he may be released on bail. It is further submitted that the co-accused has been granted bail by this Court.

5. Learned APP strongly opposed application for bail. It is submitted that specific overt act has been attributed to the applicant. The applicant had given repeated blow by sword on the persons of the injured. The injured has also sustained head injury. In the FIR, it is stated that the applicant tried to thrust the sword in the abdomen of the injured person which he could avoid. Thereafter, the accused ran away from the place of incident. It is further submitted that one case is registered against the applicant vide C.R. No.52 of 2015 and while on bail the applicant has committed this present offence. It is submitted that the nature of injuries are serious and bail may not be granted to the applicant.

6. Perused the chargesheet. It is true that the overt act has been attributed to the applicant in the FIR. The injured is being assaulted by sword. Perused the injury certificate. It appears that most of the injuries are simple in nature. The injury sustained on the head is also simple. The injury sustained on the wrist joint is however appears to be grievous as stated in the certificate. The co-accused has been granted bail by this Court. The role attributed to the co-accused is only fists and kick blows. The co-accused is also impleaded as accused in C.R. No.52 of 2015 which is referred to be antecedent

against the applicant. The applicant has been in custody from 23rd April, 2016. It is noted that the applicant is student and has taken admission in First year B.A. course. Although, the applicant is involved in crime one more opportunity can be given to him with a view to reform himself. Hence, bail can be granted on certain conditions. Therefore, I pass following order;

:: ORDER ::

- (i) Bail Application No.1318 of 2017 is allowed.
- (ii) The applicant is directed to be enlarged on bail in connection with CR No.I-23 of 2016 registered with Kopari Police Station, Thane on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only.) with one or more local solvent sureties in the like amount.
- (iii) The applicant is directed to reside at Kalwa and shall not enter into jurisdiction of Kopari Police Station.
- (iv) The applicant shall furnish his address and cell phone numbers to the investigating officer and report to Kopari Police Station once in a month on the first Saturday till further orders. Only

for that purpose the applicant shall enter into the jurisdiction of the Kopari Police Station.

(v) The applicant shall not tamper with the evidence.

(vi) The application stands disposed of.

[PRAKASH D. NAIK, J.]