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

***CRIMINAL BAIL APPLICATION NO.1408 OF 2017***

|                          |               |
|--------------------------|---------------|
| Omkar Mohanrao Mohite    | ...Applicant  |
| Versus                   |               |
| The State of Maharashtra | ...Respondent |

Mr.V.P.Kakade, for the Applicant.

Mr.S.R.Agarkar, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 10<sup>th</sup> JULY, 2017***

**P.C. :**

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.151 of 2017 registered with the Shirur Police Station, Pune Rural, for the alleged offences punishable under Sections 307, 323 and 504 of the Indian Penal Code
3. Learned Counsel for the applicant states that the incident took

place, pursuant to a money dispute between the injured – Shivaji Dorajkar and the applicant. He submits that in the said incident, the applicant has also sustained an injury i.e. contused abrasion and linear abrasion on the left and right scapular region. He further submits that the applicant has no antecedents.

4. Learned APP does not dispute the fact that the injury sustained by the injured – Shivaji is a simple injury. He also does not dispute the fact that the applicant has no antecedents.

5. Perused the papers. The complainant is one Pandurang Raghunath Narawade. It appears that there was some dispute between Shivaji and the applicant over some financial transactions regarding the distributorship. The incident took place on 21<sup>st</sup> February, 2017 at about 1.59 p.m. According to the complainant, he was sitting at Panchali Sweets with Shivaji, when Shivaji saw the applicant and called him towards him. It is alleged that the applicant abused and pushed Shivaji and threatened him with dire consequences, as he had duped the applicant of his money. When Shivaji fell down on the ground, the applicant is alleged to have pulled out

a knife and stabbed Shivaji on his back. Thereafter the applicant is alleged to have fled from the spot. A perusal of the injury certificate of Shivaji shows that he has sustained a stab injury on posterior aspect of his back. The injury is stated to be penetrating injury, however, the nature of injury is not mentioned. It also appears that the applicant had also sustained an injury, although simple i.e. contused abrasion and linear abrasion on the left and right scapular region. The applicant has no antecedents. It appears that the incident has taken place at the spur of the moment. Investigation is complete and charge-sheet is filed.

6. In the peculiar facts of this case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

**ORDER**

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., for a period of

12 months;

iii) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;

iv) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**