

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1680 OF 2017

RAJESHKUMAR ASHOKAN VERRASWAMI)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Sushrut Jadhwar, Advocate for the Applicant.

Ms.P.N.Dabholkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 13th OCTOBER 2017

P.C. :

1 The applicant/ accused in Crime No.50 of 2017 registered with Mankhurd Police Station for offences punishable under Section 326, 354(D), 323 read with 34 of the Indian Penal Code (IPC) and under Section 12 of the Protection of Children from Sexual Offences Act, 2012, (POCSO Act), by this application, is seeking his release on bail after filing of charge-sheet.

2 Heard the learned advocate appearing for the applicant / accused. He argued that the applicant / accused is behind bars for more than eight months and the offence alleged is one under Section 326 of the IPC along with other minor offences. He argued that the injured is now discharged from the hospital and is following his daily pursuits.

3 The learned APP has opposed the application by contending that statement of injured Sumeet Kamble coupled with the injury certificate, prima facie shows that the applicant/accused had intended to commit murder of injured Sumeet Kamble. Therefore, no bail should be granted to him.

4 I have carefully considered the rival submissions and perused the charge-sheet annexed to the application. The crime in question is registered on the basis of report lodged by father of the injured Sumeet Kamble on 4th March 2017. Injured Sumeet Kamble came to be murderously assaulted by the applicant / accused, as per the prosecution case.

5 Sneha Suresh Ovale is neighbour of injured Sumeet Kamble. It is case of the prosecution that the applicant / accused indulged in stalking Sneha Ovale after making advances towards her. She immediately complained about the applicant/accused to Sumeet. Sumeet, therefore, questioned the applicant/accused. Thereafter, the applicant/accused left the spot and returned back with a chopper. The applicant/accused along with his associates then assaulted injured Sumeet.

6 Injury certificate filed along with the charge-sheet shows that injured Sumeet has sustained three grievous wounds on vital part of his body i.e. head. Prima facie, there appears to be substance in contention the learned APP that the fact indicates commission of the offence punishable under Section 307 of the IPC. However, that aspect will have to be looked into by the concerned court while framing the charge by following provisions of Section 226 and 227 of the Code of Criminal Procedure.

7 Suffice to state that the alleged victim of the crime in question is already discharged from the hospital. The nature of offence and the penal section invoked by the prosecution against the present applicant/accused indicates that further pretrial detention of the present applicant/accused after filing of the charge-sheet is not warranted. Hence, the following order :

ORDER

- i) The application is allowed.
- ii) The applicant/accused in Crime No.50 of 2017 registered with Mankhurd Police Station for offences punishable under Section 326, 354(D), 323 read with 34 of the IPC and under Section 12 of the POCSO Act, is ordered to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount.
- iii) The applicant / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

- iv) The applicant / accused should not tamper with prosecution evidence.
- v) The applicant/accused should not contact injured Sumeet and his family members as well as witness Sneha Suresh Ovale and her family members, in any manner.
- vi) Failure to abide by these conditions will result in cancellation of this order.

8 At this stage, the learned advocate for the applicant/accused submits that the applicant/accused be initially released on cash security for a period of six weeks from the date of this order in order to enable him to arrange for surety. The applicant / accused be initially released on cash security of Rs.15,000/- for the period of six weeks from today.

9 The application stands disposed of accordingly.
Parties to act on authenticated copy of this order

(A. M. BADAR, J.)