

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1761 OF 2016

Waman @ Sanjay Ramdas Karan Jule

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. P. D. Dalvi Advocate for Applicant.

Ms. P. P. Shinde APP for the State.

Mr. R. J. Shete, PSI, Ambernath Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 16th FEBRUARY, 2017.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 19/01/2016 in crime no. 315 of 2015 registered at Ambernath Police Station. Investigation is completed and applicant has been charge-sheeted for offence punishable under section 307 of the Indian Penal Code and section 3 r/w section 25 of the Indian Arms Act and under the provisions of Maharashtra Police Act.

2) It is the case of the prosecution that on 29/11/2015, Pappu Nayar lodged a report at the police station alleging therein that he is a vegetable

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vendor and sells vegetables at Ambernath. That he had got acquainted with present applicant. Present applicant had started a Bhishi. There were in all 17 persons who were participating in the Bhishi scheme. All the money was deposited with the present applicant. An amount of Rs. 1,14,000/- was deposited with him. It is the case of the first informant that applicant had fled along with Rs. 1,14,000/-. He returned after a long time. All the members were insisting upon him to return the amount and he was returning the same in piecemeal. He had again absconded. On 09/11/2015, the first informant learnt that applicant has returned and therefore, he met applicant on 17/11/2015 at the vegetable market. He had assured the complainant that he would pay Rs. 200/- everyday. He had returned about Rs. 8,000/-. The first informant had met him on 24/11/2015 and was demanding his entire amount i.e. 85,000/-. There was verbal altercation between the first informant and the applicant and at that time, he had threatened the first informant. At the same time, he had also assured the first informant that he would return the amount by 25/12/2015.

3) On 27/11/2015, when the first informant was passing the road along with his friends, he saw the present applicant standing in ambush. He

followed them. He threw chilli powder and thereafter, assaulted with knife. Only when the complainant opened his eyes, he saw applicant fleeing from the spot. On the basis of the said report, crime no. 315 was registered.

4) The learned APP upon instructions submits that applicant has no criminal antecedents. Perused the injury certificate. The first informant had sustained an incised wound on the right shoulder, head and nape of neck. The said injuries are shown to be grievous nature.

5) Investigation is completed and charge-sheet is filed. Applicant has been in custody for more than one year. Taking into consideration the nature of transaction between the complainant and the applicant and the fact that investigation is completed and charge-sheet is filed, applicant deserves to be enlarged on bail. However, it is made clear that observations made herein above are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.

50,000/- with one or more local solvent sureties in the like amount.

(iii) Applicant shall report to the Ambarnath Police Station on first and third Sunday of each month between 10.30 a.m. to 01.00 p.m. till the framing of the charge.

(iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)