

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1768 OF 2016

Rajendra Prasad Banvari Singh

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Shaikh Mohd. Shoib Iqbal Ahmed Advocate for Applicant.

Ms. R. M. Gadhvi APP for the State.

Mr. R. S. Sawant, API, Shivaji Nagar Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 12th JANUARY, 2017.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 28/12/2015 in crime no. 514 of 2015 registered at Shivaji Nagar Police Station for offence punishable under sections 307, 324, 323, 504, 506 (II) of the Indian Penal Code.

2) It is the case of the prosecution that on 26/10/2015, Yasin was taken to the hospital as he has sustained injuries. It appeared to be a medico legal case and hence, his statement was recorded. That on 26/10/2015, he along with his father and brother were inquiring about his stolen bicycle. They had been to

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Raju. That Raju had raised a quarrel with the first informant. In the meanwhile, he had brought a sword from his house and had assaulted Yasin on his head with the said sword. Yasin had sustained injuries. Raju had assaulted the father and brother of the first informant with fist and kick blows. That Yasin was taken to the hospital where he had disclosed that he had sustained a fracture. Offence was registered against Raju Dhanraj Aldonde.

3) That in the course of investigation, the supplementary statement of the injured was recorded on 03/12/2015 and he had disclosed that the present applicant and his minor cousin who happened to be close relatives of Raju had also assaulted the injured with fist and kick blows in the said altercation.

4) Perused the injury certificate. Injured had sustained the fracture to his leg. It is pertinent to note that the principal allegations are against Raju Aldonde. The name of the applicant is not mentioned in the F.I.R. Incident is dated 26/10/2015 and the supplementary statement implicating present applicant is recorded on 03/12/2015.

5) Taking into consideration the papers of investigation and the role attributed to the present applicant and moreover, 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. 25,000/- with one or more sureties in the like amount.
- (iii) Applicant shall not tamper with evidence.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)