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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2059 OF 2017

Chetan Govind Limhan

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Vishal Kolekar for Applicant.

Mr. A.A. Palkar APP for State.

CORAM: A.S. GADKARI, J.

DATE : 19th September 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.146 of 2017 dated 17.4.2017 registered with Haveli Police Station, Pune (Rural) under Section 307, 143, 147, 148, 427, 324, 504, 506 of the Indian Penal Code and under Section 3 and 25 of the Arms Act.

2] It is the prosecution case that, due to earlier enmity the applicant along with other accused persons committed murderous attempt on first informant with sickle on the head. During the course of investigation, applicant was arrested on 19.4.2017. After completion of

investigation, police have submitted chargesheet.

3] Heard the learned Counsel for applicant and the learned APP for State. Perused the chargesheet.

The statement of the first informant is corroborated by five witnesses to the extent that the applicant assaulted the first informant on his head with sickle. The medical certificate issued by the concerned Doctor corroborates the version of the first informant and other eye-witnesses to the extent of injury suffered by the informant however in the said medical certificate, the cause of injury is shown by hard and blunt object. The said medical certificate is at page 22 of the present application. It is to be noted here that, it is also alleged that during the course of fight co-accused Atul More took out a revolver from his pocket and pointed it on the head of the first informant. However, the record clearly indicates that, as a matter of fact the said co-accused did not use any revolver and was holding a wooden log at the time of incident. Thus it clearly appears that the version of the first informant and other witnesses qua the said co-accused about pointing out revolver appears to be an exaggerated version which Investigating Agency has failed to substantiate.

4] In view thereof, this Court is of the view that, the applicant can be released on bail on certain conditions.

Hence the following Order:

- (i) The applicant be released on bail in CR No.146 of 2017 registered with Haveli Police Station, Pune on on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from the jail, the applicant shall attend the Haveli Police Station once in month i.e. on every 1st Monday of the said month between 11.00 a.m. to 2.00 p.m.
- (iii) The applicant shall also attend all the dates before the Trial Court.
- (iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.
- (v) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (vi) Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)