

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1725 OF 2016

Mukesh Narayan Dhodi

.....Applicant

V/s.

The State of Maharashtra

....Respondent

AND
CRIMINAL BAIL APPLICATION NO. 2083 OF 2016

Naresh Prakash Dhodi

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. V. V. Purwant Advocate for Applicant in BA 1725 of 2016

Mr. Kuldeep S. Patil Advocate for Applicant in BA 2083 of 2016

Mr. R. M. Pethe APP for the State.

Mr. Jaisingh Nale, PSI Boisar Police Station

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 3rd FEBRUARY, 2017.

PC :

1) Heard. These are applications under section 439 of the Code of Criminal Procedure, 1973. Applicant in Criminal Bail Application No. 2083 of 2016 is arrested on 14/04/2016 and applicant in Criminal Bail Application

No. 1725 of 2016 is arrested on 14/06/2016 in crime no. 80 of 2016 registered at Boisar Police Station. Investigation is completed and charge-sheet is filed against the accused on 01/07/2016 for offence punishable under section 307, 341, 326, 212, 143, 147, 148, 149, 504 & 506 of the Indian Penal Code.

2) That on 12/04/2016, one Sanjay Ghatal lodged a report at the police station alleging therein that one Naeem Chaudhari had encroached on the land of one Vimal Girhane. The said land was reserved for scheduled tribes. According to the first informant Subhash was an activist and was helping the cause of the scheduled tribe. He had also lodged complaint against some persons at Boisar Police Station. It is alleged that on 12/04/2016, at about 10.00 a.m., the complainant Sanjay and Subhash were proceeding towards Palghar and at that time Subhash was pillion rider. When they were passing from front of liquor shop, applicants along with other accused had followed them on two motorcycles. They were armed with iron rods and wooden sticks and that they had assaulted Subhash Sumda. He has sustained grievous injuries and was taken to Vinoba Bhave Civil Hospital at Silvasa.

3) The injury certificates would indicate that injured Subhash had sustained fracture on his left hand ulna bone and contused lacerated wound

over the occipital region.

4) The learned counsel for the applicants submit that applicants have been in custody for more than 8 months. That investigation is completed and charge-sheet is filed. Applicants have no criminal antecedents.

5) The learned APP submits that applicants herein have assaulted Subhash Sumda with deadly weapons, the informant is an eye witness and there are also other eye witnesses to the incident and therefore, it would not be safe to enlarge the applicant on bail.

6) Taking into consideration the injury certificate, it cannot be said that applicants had attempted to murder Subhash. Investigation is completed and charge-sheet is filed. Hence, applicants deserve to be enlarged on bail. However, it is made clear that observations made herein above are restricted to an applications 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) Applications are allowed.

(ii) Applicants be enlarged on bail on furnishing P.R. bond in the sum of

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Rs. 25,000/- each with one or more sureties in the like amount.

(iii) Applicants shall not reside at Boisar till the framing of charge.

(iv) Applications stand disposed of.

(SMT. SADHANA S. JADHAV, J.)