

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2348 OF 2016

Ketan Kishore Wakode

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Vaibhav G. Bagade Advocate for Applicant.

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

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 10th JANUARY, 2017.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 07/06/2016 in crime no. 168 of 2016 registered at Shahu Nagar Police Station, Mumbai for offence punishable under sections 307, 397, 326, 323, 452, 141, 143, 147, 148, 149 of the Indian Penal Code. Investigation is completed and charge-sheet is filed.

2) It is the case of the prosecution that on 09/05/2016 Kalpesh Wakode lodged a report at the police station that applicants are residing in the same building as that of first informant. That on 08/05/2016, in the passage of the said building, when the first informant was near the lift, applicant was

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annoyed with him as they suspected that the first informant was staring at them. On that, present applicant had allegedly assaulted the first informant with a sword on his head. The same act was repeated by his associates namely Kiran and Kalpesh who had assaulted him with an iron rod on his head. The first informant was attempting to rescue himself and that Keval Kishor had assaulted him with a knife on his stomach. He is attributed specific role to all the accused more particularly the members of the family of the present applicant.

3) Perused the papers of investigation, more particularly medical case papers of first informant issued by the Municipal Corporation of Greater Bombay, Sion Hospital. It appears from the certificate that the first informant had sustained grievous injury on his right leg. Initially, certificate issued on 03/05/2016 would show that he had sustained as many as 5 simple injuries on the thumb sole and legs as well as left knee.

4) The learned APP submits that the first informant was admitted in the hospital and was indoor patient for almost 20 days. It further appears that the first informant had sustained fracture and grievous injury on his right leg. The injuries on occipital region are contused lacerated wound.

5) The learned counsel for the applicant submits that father of the first informant is an employee of Sion Hospital where the informant was treated as an indoor patient for 20 days.

6) Be that as it may, applicants have been in custody for more than 6 months. Investigation is completed and charge-sheet is filed. Hence, applicant deserves to be enlarged on bail on imposing certain conditions.

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 solvent sureties in the like amount.
- (iii) Applicant shall not reside in Dharavi area for a period of 6 months from today.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)