

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2532 OF 2016

Santosh Shivram Madavkar

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Ms. Swapnil Ovalekar Advocate for Applicant.

Ms. Veera Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 8th MARCH, 2017.

PC :

1) Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicant herein is arrested on 08/05/2016 in crime no. 193 of 2016 registered at Vartaknagar Police Station. Investigation is completed and charge-sheet is filed against the applicant and others for offence punishable under sections 307, 326, 324, 325, 504, 506 r/w 34 of the Indian Penal Code and section 3, 25 of the Indian Arms Act and section 37 (1), 135 of Maharashtra Police Act.

2) It is the case of the prosecution that on 09/05/2016, Ganesh Sakat

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lodged a report at the police station that present applicant resides in close proximity of his house. On 08/05/2016, his uncle had been slapped by Ramesh Mandavkar. Upon inquiry, his uncle had informed him about the same and the cause of assault was that according to Ramesh he had objections as to why Anand Sakat was looking at him. To inquire about the said incident, the first informant, his father had gone to the house of the present applicant and Santosh Mandavkar and at that time, Santosh had assaulted the father of the first informant with a sword whereas the present applicant had also assaulted them with iron pipes due to which they had sustained injuries on the forearm and other parts of the body.

3) Perused papers of investigation. Medical case papers would indicate that Ganesh Sakat had sustained injury on right hand and left forearm and occipital region. Nature of injuries were simple. Similarly Pushpa had sustained one simple injury on her left hand. Raj Sakat had sustained contusions.

4) There are no criminal antecedents. Upon perusal of papers of

investigation, it appears that a trifling quarrel had taken a violent turn and on the spur of the moment, incident had taken place. The victims had sustained simple injuries

5) Learned counsel for the applicant submits that the applicant was immediately taken in custody on the same day and therefore, he could not lodge F.I.R., in fact, applicant had also sustained certain injuries in the said quarrel. It is submitted that they were living as neighbours and there was no serious motive to assault the family of the complainant.

6) Taking into consideration the material collected in the course of investigation and the fact that applicant has been in custody since 08/05/2016, applicant deserves to be enlarged on bail.

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 local solvent sureties in the like amount.
- (iii) Applicant shall report to the concerned police station on first Sunday of

each month till framing of charge.

(iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)