

Pravin Pandurang Kharate @ Khatane & Anr. ... Applicants

The State of MaharashtraRespondent

Mr. Priyal G. Sarda, Advocate for the Applicant.

Mrs. J.S. Lohokare, APP for the Respondent – State.

CORAM : A.S.GADKARI, J.

DATE : 16th FEBRUARY 2018

P.C.:

1. This is an application under Section 439 of the Cr.P.C. for bail in C.R.No.322/2016 dated 01.09.2017 registered with Kurar Police Station, Mumbai under Sections 307, 397, 506(2), 341, 323, 504 of the Indian Penal Code r/w. 3, 25 of Arms Act r/w. Sections 37(1), 135 of the Mumbai Police Act (now culminated into Sessions Case No.400/2017).
2. The first information report is lodged by Mr. Abhishek N. Gupta. It is the prosecution case in brief that, due to the earlier enmity, the

applicant along with other accused persons assaulted the first informant with iron rod and robbed his valuables such as, two gold chains and finger ring from his person. During the course of investigation, the applicant came to be arrested on 01.09.2017 and after completion of investigation, the police have submitted charge-sheet.

3. Perused the charge-sheet.

The record indicates that, the version narrated by the first informant is not corroborated by any independent witnesses, who were present at the scene of offence. It is even not mentioned by the said witnesses that, the applicant or any other accused persons were having any weapon in their hands. It is stated by them that, there was some scuffle going on between the first informant (mother cycle rider) and a group of persons and in this background, the injury sustained by the first informant is possible due to a fall on the hard surface such as road.

4. In view of the above, the applicant can be released on bail.

Hence, the following order.

(a) The applicant be released on bail in C.R.No.322/2016 dated 01.09.2017 registered with Kurar Police Station, Mumbai (now culminated into Sessions Case No.400/2017), on his furnishing PR

bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(b) After his release from Jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m.

(c) The applicant shall attend all the dates before the Trial Court unless precluded by medical reasons.

(d) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)