

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.663 OF 2018

Sanju Radhakrishna Devendra
Age 20 years, Occ.Student,
R/o.Room No.501, Rajiv Gandhi Chawl,
Behind Antop Hill Church, Kokari Aagar,
Antop Hill, Mumbai-400 037.
Presently at Mumbai Central Prison. Applicant

versus

The State of Maharashtra Respondent

Ms.Sonal Parab I/by Rajeev Sawant & Associates for applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th September 2018

PC :

1. This is an application for bail in connection with CR No.445 of 2017 registered with Antop Hill Police Station, Mumbai under Sections 307, 504, 506 r/w Section 34 of Indian Penal Code, Section 135 of Bombay Police Act and Sections 4 and 25 of Arms Act.

2. The prosecution case is that the applicant and other accused used to trouble the accused who was carrying on his business at the place of incident. The complainant had questioned them about the same. On 29th October 2017 the applicant assaulted the complainant with a sword which he had brought from the nearby area. Others

assaulted the complainant by bamboo stick. The complainant had sustained two grievous injuries and six other simple injuries.

3. Learned advocate for applicant submits that the applicant is in custody from 31st October 2017. It is submitted that the complainant had earlier lodged non-cognizable complaint on 19th October 2017, which does not mention the name of applicant. It is further submitted that the complainant was admitted in the hospital only for one day and thereafter he was discharged. There are no criminal antecedents against the applicant. He is willing to stay out of the area of place of incident.

4. Learned APP submitted that a specific role has been attributed to the applicant. He has assaulted the complainant with sword. There are other witnesses who also refers to the involvement of the applicant in assaulting the complainant. The complainant had sustained about eight injuries.

5. Having perused the charge sheet it is apparent that the incident had occurred on 29th October 2017. The complainant has stated that the applicant had assaulted him by sword. The applicant had sustained two grievous injuries and six simple injuries. He was discharged from hospital after one day and he was out of danger. There are no reported criminal antecedents against applicant. He is in custody from the date of arrest. Charge sheet is filed. In the circumstances, on certain terms and conditions, bail can be granted to the applicant.

6. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.663 of 2018 is allowed and disposed off;
- (ii) The applicant be released on bail in connection with CR No.445 of 2017 registered with Antop Hill Police Station, Mumbai on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant shall not reside and/or enter within the jurisdiction of Antop Hill Police Station, Mumbai till further orders;
- (iv) The applicant shall not tamper with evidence;
- (v) The applicant shall attend the Trial Court regularly on the dates of hearing, unless exempted by the said Court.

(PRAKASH D. NAIK, J.)

MST