

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2119 OF 2018

Pintu Kartik Yadav and Ors. ... Applicants
Vs
The State of Maharashtra ... Respondents
...
Mr. Sachin Chandan for the Applicant.
Mr. M.J.Dedhia, APP for the Respondent-State.

CORAM :SANDEEP K. SHINDE J.
DATE : 21 DECEMBER, 2018

P.C. :

Heard the learned counsel for the applicants and the learned APP for the State. Perused the charge-sheet. The applicants are seeking bail under Section 439 of the Code of Criminal Procedure, 1973 in Crime No.I-35 of 2018 dated 26.2.2018 registered with Ulhasnagar Police Station under Sections 307, 353, 332, 333, 324, 323, 504, 143, 147, 148 and 149 of the Indian Penal Code, 1860.

2 The alleged incident is dated 25.2.2018. The applicants were arrested immediately after the incident. The charge-sheet in

this case is filed. It is alleged that the applicants along with another person in prosecution of their common object attempted to desist public servants from discharging their official duty and in the course of that assaulted police party by wooden stick/log. Resultantly, two police person received injuries. On these allegations, crime aforesaid was registered.

3 I have perused the injury certificates issued by the office of the Civil Surgeon, Central Hospital, Ulhasnagar whereby it is certified that Mr. Darade, a police constable sustained two injuries one on the parietal region which according to the prosecution was grievous in nature. Certificate at Page 67 however, does not disclose the nature of the injury. The other certificate indicates that injury was simple in nature. The learned APP has brought to my notice certificate issued by the Fortis Hospital which shows that Mr. Darade sustained grievous injury. What could be seen from the certificate at Pages 67 and the certificate issued by the Fortis Hospital is that the size of the injury differs in the certificate issued by the Fortis

Hospital.

3 Another accused by name Jitendra has also sustained injuries which is evident from the certificate at Page 77 issued by the Medical Officer, Central Hospital, Ulhasnagar.

4 The applicants are in custody since 25.2.2018, Charge-sheet in this case is filed. The applicants' further custody would not further the case of the prosecution. The trial is not likely to commence in near future and hence, I am inclined to grant this application.

5 The learned APP, however, submitted that the applicants are not resident of Maharashtra and if they are released on bail , they maynot be available for trial and, therefore, stringent condition may be imposed to secure their presence for trial. Hence, the following order:

(1) Application is allowed.

(2) Each of the applicants is directed to be released on bail on their executing bond in the sum of Rs.25,000/- with one solvent surety in the sum of Rs.20,000/- to the satisfaction of the learned Sessions Court, Kalyan. That while accepting the surety the learned Sessions Judge shall ensure that the presence of applicants is secured during trial .

(3) Application is disposed of.

(SANDEEP K. SHINDE, J.)