

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2204 OF 2018

Rahul Gautam Kamble @ Nigro Kamble,
Age 23 years, R/o.Muranjanwadi,
R.T.Mehta Company, Powai, Sakinaka,
Mumbai-400 072 (Presently lodged at
Arthur Road Jail)

Applicant

versus

The State of Maharashtra and others

Respondents

Mr.Ujjwal Gandhi for applicant.

Ms.A.A.Takalkar, APP, for State.

Mr.D.B.Raiwale, PSI, Powai Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th October 2018

PC :

1. This is an application for bail in CR No.380 of 2018 registered with Powai Police Station for offences u/s 307, 506(2) and 323 of Indian Penal Code. The case of the prosecution is that on 26-7-2018 the applicant had made demand from the complainant that he should provide beer to him. On refusal to accede his demand, the applicant assaulted the complainant by giving blow of beer bottle which he was carrying in his possession. The FIR was lodged on 27-7-2018. The applicant was arrested on 30-7-2018. Learned advocate for applicant submitted that the offence u/s 307 of IPC is not made out. The injured has sustained simple injury. There was no intention to commit murder. The injured was treated in the hospital and he was discharged immediately thereafter. The applicant is in custody from the date of arrest and further detention is not necessary.

2. Learned APP submitted that apart from the evidence of complainant, there is an independent eye witness to the incident. The injured has sustained injury to his head on account of the blow given by applicant by beer bottle. It is further submitted that there are three cases against the applicant. Learned counsel for applicant, however, submits that he is on bail in the case pending against him and one case was registered against him when he was juvenile. The said case was registered in the year 2012 and the first case is disposed off.

3. From the statement of complainant it is apparent that simple blow was given by applicant on the head of complainant. The complainant had sustained one injury in the nature of CLW on his head. He was treated in the hospital. There is nothing on record to indicate that injury had caused any danger to the life of victim. The applicant is in custody from the date of arrest although charge sheet is not filed. Looking into the evidence collected by police, further detention of the applicant is not necessary.

4. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.2204 of 2018 is allowed and disposed off;

(ii) The applicant be released on bail in connection with CR No.380 of 2018 registered with Powai Police Station, on his furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

- (iii) The applicant shall report Powai Police Station once in a month on every first Saturday between 10 am and 12 noon till conclusion of trial;
- (iv) The applicant shall not tamper with evidence;
- (v) The applicant is permitted to furnish cash security in the sum of Rs.20,000/- for a period of four weeks.

(PRAKASH D. NAIK, J.)

MST