

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

BAIL APPLICATION NO. 2347 OF 2018

Dada Shrirang Mane	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Harshad Sathe I/by Saourabh Butala for the applicant.

Mr. M.G.Patil, APP for the Respondent-State.

Mr. G.A. Furtade, PSI, Turbhe Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 27th SEPTEMBER, 2018.

P.C.

1. This is an application for bail in connection with C.R. No. 145 of 2018 registered with Turbhe MIDC Police Station for the offences punishable under Sections 307, 323 of Indian Penal Code.
2. Case of the prosecution is that Rahul Ramchandra Barkade has lodged FIR on 20th May, 2018. It is alleged that on 20th May, 2018, the applicant confronted him by asking as to why he had taken his wife with him. He was holding a razor and gave a blow on the abdomen of the complainant. Therefore, complainant sustained injury.
3. Medical certificate of the injured indicate that injured had sustained wound on right side of abdomen by sharp weapon. The nature of the injury is shown as simple in nature. Applicant

preferred an application for bail before the Sessions Court which has been rejected on 10th August, 2018.

4. It is submitted by the learned counsel for the applicant that injured is the cousin of the applicant. Injury sustained by him is simple in nature and he was out of danger immediately after the incident. There is settlement between the applicant and the complainant. Complainant had filed affidavit before the Sessions Court during hearing of the application of bail preferred by the applicant. It is submitted that one of the primary ground for rejection of application of bail was that there are criminal antecedents against the applicant.

5. Learned APP submitted that specific overt act has been attributed to the applicant. There are two eye witnesses to the incident. The complainant and the wife of the applicant are eye witnesses. It is also submitted that 16 cases were registered against the applicant. Learned APP tenders report submitted by the police which refers to antecedents of the applicant.

6. I have perused the report. Most of cases are registered during the period from 2003 to 2008. Several cases are related to the offence of theft. Thereafter, two cases are registered in 2015 and 2017. The case of 2015 was under Maharashtra Prohibition

Act and the case of 2017 was under Sections 323, 324 of Indian Penal Code. It is also evidence from the order passed by the Sessions Court, the complainant had filed an affidavit in support of the applicant. Injury is simple in nature. Considering the aforesaid circumstances, applicant is granted bail on conditions.

ORDER

- i) Criminal Bail Application No. 2347 of 2018 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 145 of 2018 registered with Turbhe MIDC Police Station on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;
- iii) The applicant shall attend Turbhe MIDC Police Station once in a month on first Monday between 10 a.m. to 12 noon till further order;
- iv) The applicant shall not commit offence while on bail;
- v) The applicant shall attend the trial Court on the date of hearing, unless exempted by the Court.
- vi) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;
- vii) The application stands disposed off.

(PRAKASH D. NAIK, J.)

Sachidanand
Kuttan Nair

Digitally signed
by Sachidanand
Kuttan Nair
Date: 2018.09.29
14:09:18 +0530