

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

BAIL APPLICATION NO. 2484 OF 2017

Ganesh Kisan Tapkir.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Aniket U. Nikam i/b. Mr. Aashish Satpute, advocate for Applicant.

Ms. S.S. Kaushik, APP for State.

Mr. Konkeri, Police Naik, Aalandi Police Station.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 29, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 7/6/2017 in Crime No. 107 of 2017 registered at Alandi Police Station. Investigation is completed and charge-sheet is filed against the

applicant for offence punishable under section 307, 323, 324, 504, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 7/6/2017 Ganesh Gaikwad lodged a report at the police station alleging therein that on 6/6/2017 he had received a phone call from Aniket Kurhade informing him that the present applicant had abused Aniket Kurhade and his associates and that he had challenged him to come and see him. Aniket Kurhade had asked Ganesh Gaikwad to accompany him to see the applicant. They have been to his house. They summoned him. There was an altercation between both the groups. In the said altercation, the applicant is alleged to have stabbed Ganesh Gaikwad i.e. first informant. The first informant was taken to Lifeline hospital and he was diagnosed with deep contused lacerated wound with lung injury right lobe. Aniket Kurhade had sustained grievous injuries to his ear.

4 The compilation of the charge-sheet would show that the statements of the eye witnesses have been recorded who have categorically stated that the first informant and Aniket Kurhade had been to the house of the applicant and had summoned him. There was an altercation and in the said altercation, the applicant had caused injury to Ganesh Gaikwad and Aniket Kurhade. Investigation is completed and charge-sheet is filed.

5 Learned APP upon instructions submits that the applicant has no criminal antecedents.

6 The learned Counsel for the applicant submits that the incident has occurred due to misunderstanding between both the groups as Aniket Kurhade was in love with a girl and he had asked the said girl not to talk to the present applicant.

7 Taking into consideration the compilation of charge-sheet and the submissions advanced across the bar, this Court is of the opinion

that the applicant is entitled to be released on bail as he has been in custody for more than 7 months.

8 The observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

9 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.
- (iii) The applicant shall not reside at Alandi till conclusion of trial.

(iv) The applicant shall not tamper with the evidence.

10 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)