

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

CRIMINAL BAIL APPLICATION NO.3036 OF 2018

Suhas @ Jamal Subhash Salvi

.. Applicant

Vs.

State of Maharashtra

.. Respondent

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Mr.Pravin Dabade i/b. Mr.S.U. Jagtap, Advocate for the Applicant.
Mr.S.R. Agarkar, APP for the Respondent – State.
Mr.S.A. Sonawane, PSI, Wadala T.T. Police Station, Mumbai,
present.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 27, 2018.

P.C. :

This is an application for bail in connection with C.R.No.28 of 2018, registered with Wadala T.T. Police Station, Mumbai on 23rd January, 2018, for the offences punishable under Sections 143, 145, 147, 149, 307 and 506 of Indian Penal Code (“IPC”, for short) and Sections 37(1)(a) and 135 of Mumbai Police Act.

2 The prosecution case is that the complainant had intervened in the quarrel which took place between two groups. He noticed that accused Prasad Ambore had assaulted Vishal by

knife by giving blow on his abdomen and back. Accused Sameer and applicant gave a blow by tile on the head of Vishal and accused Ganesh assaulted Vishal by knife on his back. When the complainant intervened, Prasad Ambore abused him and assaulted with knife. Jamal snatched the knife from Ganesh and assaulted the complainant by giving blow of knife. On the complaint of Dinesh Sarode on 29th January, 2018, FIR was registered.

3 Applicant and other accused were arrested. Accused Sameer Kamble has been granted bail by the Sessions Court vide order dated 10th August, 2018. The said accused was attributed the overtact of assaulting Vishal by tile. Similar role was attributed to the applicant. In addition to that the applicant has also alleged to have assaulted the complainant, Dinesh Sarode by giving blow of knife. I have perused the medical certificate of Dinesh Sarode, and there is no injury on his back. I have also perused the injury certificate. Apparently, he had certain injuries by sharp object. Learned counsel for the applicant submitted that considering the aforesaid circumstances and the facts that the applicant is in custody for long period, he may be released on bail. Learned APP submitted that specific role has been

attributed to the applicant. The applicant was instrumental in assaulting Vishal as well as complainant Dinesh. However, as stated herein, Sameer has been granted bail. Considering the nature of injuries sustained and the overtact attributed to the applicant and for the reasons stated hereinabove, case for grant of bail is made out. There are no criminal antecedents. It appears that cross FIR is lodged against accused no.1 Prasad Ambore vide C.R.No.29 of 2018, for the offences punishable under Sections 324, 323, 504, 506 read with 34 of IPC. In the circumstances, case for grant of bail is made out.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.3036 of 2018, is allowed;

- (ii) The applicant is directed to be released on bail in connection with C.R.No.28 of 2018, registered with Wadala T.T. Police Station, Mumbai, he be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall report the investigating officer of Wadala T.T. Police Station, Mumbai, once in the month on first Monday of the month between 10:00 a.m. to 12:00 noon;
- (iv) Applicant shall not tamper with the prosecution evidence and shall attend the trial Court on the date of hearing of the case regularly, unless exempted by the Court;
- (v) Bail Application No.3036 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)