

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

CRIMINAL BAIL APPLICATION NO. 284 OF 2019

Nagendra Manager Yadav	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Arjun Kode for Applicant.
Mr.S.S. Hulke, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 22nd April 2019.

P.C. :

1] This is an application under Section 439 of the Code of Criminal Procedure for bail in connection with C.R. No. 45 of 2017 dated 23/01/2018 registered with V.P. Marg Police Station, Mumbai, for the offence punishable under Section 307, 323, 504, 506 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] The prosecution case in nutshell is that, the applicant was having dispute with the friends of the informant. That on 23rd January 2018 at about 8:00 pm there was a quarrel between the applicant and the friends of the informant over monetary transaction. It is alleged that, the applicant started assaulting the friends of the informant with hand and at that time the informant intervened to rescue the quarrel. It is alleged that, in the said fight, the applicant assaulted informant with an iron rod on his head. The first information report was lodged by the informant himself.

 During the course of investigation, the applicant was arrested on 24th January 2018 and after completion of investigation, the police have submitted chargesheet.

4] The record indicates that the informant have suffered CLW on his parietal region in the said assault. It further appears from the statements of the witnesses that, when the applicant was fighting with the friends of the informant over monetary transaction, the informant intervened and in the hit of passion, the applicant gave one blow with the said alleged iron rod on the head of the informant. It *prima-facie* appears that, the applicant did not have intention to attempt to commit

murder of the informant.

5] As noted earlier, the police have already completed investigation and submitted chargesheet. No purpose will be served keeping the applicant in incarceration and the applicant can be released on bail.

Hence, the following order :-

- (i) The Applicant be released on bail in C.R. No. 45 of 2017 dated 23/01/2018 registered with V.P. Marg Police Station, Mumbai, on his furnishing P.R. bond of Rs.15,000/- with one or two local sureties in the like amount.
- (ii) After his release from Jail, the applicant shall attend all the dates before the trial Court, unless exempted by the concerned Court.
- (iii) In case of two consecutive defaults, the Prosecution is at liberty to file an application for cancellation of bail.
- (iv) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (v) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]