

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

CRIMINAL BAIL APPLICATION NO.65 OF 2019

Ravi Baban Chauhan

.. Applicant

Vs.

State of Maharashtra & Anr.

.. Respondents

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Mr.Rishi Bhuta i/b. Mr.Ujjwal Gandhi, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

Mr.Dilip Utekar, PI Khar Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 13, 2019.

P.C. :

This is an application for bail under Section 439 of Code of Criminal Procedure in connection with C.R.No.264 of 2018, registered with MIDC Police Station, Mumbai, for the offences punishable under Sections 307, 506(2) of Indian Penal Code ("IPC", for short) and under Sections 37(2) and 135 of Maharashtra Police Act.

2 The prosecution case is that there was altercation between the complainant and the applicant on account of a minor accident which had occurred on the same day wherein the vehicle

of the complainant was dashed to the vehicle of the accused. The father of the applicant-accused then intervened and tried to resolve the dispute. By way of damage, an amount of Rs.500/-, was purportedly handed over to the complainant. It appears that there was a quarrel between both the parties at that time, as the said amount was referred to as alms by the accused. Apparently, the accused went inside the house and brought kitchen knife and gave one blow on the abdomen of the injured. Subsequently, the injured was taken into the hospital, and, he was treated for the same. He was admitted in the hospital on 8th June, 2018 and was discharged on 15th June, 2018.

3 Learned counsel for the applicant submits that the incident occurred at the spur of moment. Learned APP submitted that the incident is of serious nature. There was no reason for the applicant to stab the injured by knife. There is recovery of knife from the house of the applicant. It is also submitted that the applicant has been identified by the complainant and other witnesses.

4 Considering the factual matrix, as stated hereinabove, and also in the light of the fact that the applicant is

in custody from 8th June, 2018, having no other criminal antecedents, bail can be granted to him.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Bail Application No.65 of 2019, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.264 of 2018, registered with MIDC Police Station, Mumbai, 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 MIDC Police Station, Mumbai, once in a month on first Monday of the month between 11:00 a.m. to 01:00 p.m, till further orders;
- (iv) Applicant is permitted to furnish cash security of Rs.25,000/-, in lieu of surety for a period of six weeks from today;
- (viii) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)