

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

CRIMINAL BAIL APPLICATION NO. 138 OF 2019

Dattaram Bhiku Pednekar	... Applicant
Vs.	
The State of Maharashtra	... Respondent
...	
Mr. Niranjan S. Mundargi I/by Mr. Veerdhawal Deshmukh for the applicant.	
Mr. S.R. Agarkar, APP for the Respondent-State.	
Mr. S.K. Nimbalkar, PSI, Kanjurmarg Police Station is present.	
...	

**CORAM : PRAKASH D. NAIK, J.
DATE : 21st FEBRUARY, 2019.**

P.C.

1. This is an application for bail in connection with C.R. No. 123 of 2018 registered with Kanjurmarg Police Station for the offence punishable under Sections 307, 324, 323 and 504 read with Section 34 of Indian Penal Code. First Information Report was lodged on 10th August, 2018.
2. The prosecution case in short is that on 9th August, 2018 complainant received information from his friend that his daughter had taken their pet dog for a stroll and the dog had defecated in front of the residence of the present applicant, therefore quarrel

had taken place on the spot and informed the complainant to reach the scene of the quarrel to resolve the issue. The complainant alongwith another person reached the place of incident and noticed that verbal altercation was going on between Jaya and applicant. Complainant tried to intervene in the said altercation. Applicant held the complainant by his collar. The applicant was not in a state of mind to understand the situation and was abusing loudly. Applicant entered his house and got a knife and threatened the complainant that he would kill him and assaulted the complainant with the knife on right side, below the ribs and subsequently on the left side on the stomach. Friend of the complainant was present on the spot and intervened in the assault and was assaulted by the applicant on his stomach. Applicant was arrested and since then he is custody.

3. Learned counsel for the applicant submits that the incident had occurred due to exchange of words between the applicant and Jaya and complainant tried to intervene in the matter and they were assaulted by the applicant at the spur moment. Learned APP submitted that the offence is of serious nature. Applicant might commit the murder of the complainant and his friend.

4. I have perused the injury report. Complainant had sustained

two penetrating wounds. Nature of injuries of penetrating wound on left side iliac fossa is of grievous in nature and right hypochondrium is simple in nature. The injured had sustained two injuries which are simple in nature. The injured persons had sustained injuries on account of minor quarrel as a result of assault by the applicant. Incident had occurred at spur moment. The victim is out of danger. Applicant is in custody from the date of arrest. Applicant is aged about 59 years. There are no criminal antecedents against the applicant. Chargesheet has been filed. Considering the role attributed to the applicant, stringent conditions can be imposed while granting bail to the applicant.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. 123 of 2018 registered with Kanjurmarg Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. Applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of six weeks;
- iv. Applicant shall not enter into the jurisdiction of Kanjur Marg Police Station till conclusion of trial.

- v. Applicant shall furnish the place of residence to the Investigating Officer after he is released on bail;
- vi. Applicant shall attend the trial Court on the date of hearing of the case, unless exempted by the trial Court;
- vii. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)