

Dond

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

BAIL APPLICATION NO. 398 OF 2019

Deepak Prakash Botale

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Sagar Bhandare for Applicant.

Mr. Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 11th March 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 275 of 2017 dated 19th December 2017 registered with NRI Sagari Police Station, Navi Mumbai under sections 307, 323, 504 of the Indian Penal Code.

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

3] The first information report is lodged by Mr. Sharukh M. Khan on 29th December 2017. It is the prosecution case that, on 25th December 2017 the applicant along with his friends namely the informant, Shibo,

Rahesh and Kiran Patil (injured witness) were celebrating a party on some account of birth-day of sister of the applicant. At that time, a quarrel took place on trifle ground and in the said quarrel, it is alleged that the applicant assaulted the informant with the glass bottle on his head and thereafter picked up a bamboo stick lying at the scene of offence and assaulted Kiran with it. Kiran sustained grievous hurt to his left fronto-parietal region which is in the form of contused lacerated wound. After completion of investigation, the police have submitted chargesheet.

4] It appears from the record that, it is during the drinking session of the applicant along with his friends the said quarrel took place and the applicant assaulted his friend Kiran Patil (injured witness) with a bamboo stick lying at the scene of offence. Apart from the said fact, there are no antecedents at the discredit of the applicant. The applicant was aged about 23 years at the time of incident and he is in jail since last more than a year.

5] In view of the above, the applicant can to be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No. 275 of 2017 registered with NRI Sagari Police Station, Navi Mumbai, on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

- ii] After his release from jail, the Applicant shall attend the Trial Court on every first Monday of the month between 11.00 a.m and 1.00 p.m. If the first Monday comes on a holiday, the applicant shall attend the Trial Court immediately on the next working day;
 - iii] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.
- 6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)