

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

CRIMINAL BAIL APPLICATION NO. 495 OF 2018

Amit Sitaram Chamola	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

**WITH
CRIMINAL APPLICATION NO. 301 OF 2018
IN
CRIMINAL BAIL APPLICATION NO. 495 OF 2018**

Nilesh Ramprasad Rao	...	Applicant-Intervenor
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In the matter between

Amit Sitaram Chamola	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Sagar Vaswani for the Applicant.
- Mrs.A.A. Takalkar, APP for the Respondent-State.
- Mr.Prasanna K. Shahane for the Applicant-Intervenor.
- Mr.D.B. Jadhav, Hill Line Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd FEBRUARY, 2019.

P.C. :

1] This is an application for bail in connection with C.R. No. I-104 of 2017 registered with Hill Line Police Station for the offence punishable under Sections 307, 326 of the Indian Penal Code. The case of the Prosecution is that the Applicant had assaulted the injured by

giving one blow of knife which resulted in grievous injury in right lumber region. The Applicant was arrested on 2nd May, 2017. The statement of the witnesses were recorded and the Charge-sheet is filed.

2] Learned counsel for the Applicant submits that the Applicant is in custody since the date of arrest. There are antecedents against the Complainant. The offence was initially registered under Section 326 of the IPC, which was subsequently altered to Section 307 of the IPC. It is further submitted that spot panchanama was recorded after the incident, which did not indicate the existence of knife at the scene of offence. However, the memorandum statement of the accused was recorded after his arrest showing recovery of knife from the place of incident at the instance of the accused. The statement was recorded after eight days from the date of incident.

3] Learned APP submits that there are eye-witnesses to the incident. The injured has sustained grievous injury. There are two antecedents against the Applicant.

4] Learned Advocate representing the Intervenor also opposed grant of bail. It is submitted that the N.C. complaint was

lodged by the Applicant with regard to threat issued by him on 31st May, 2017.

5] Perused the documents on record. The Applicant has allegedly given single blow of knife, as a result of which the victim had sustained injury. There are antecedents against the Applicant as well as against the Complainant. Initially the offence was registered under Section 326 of the IPC, which was altered to Section 307 of the IPC. The Applicant is in custody for a period of about 1 and half year. Therefore, by imposing certain conditions, bail can be granted to the Applicant.

6] Hence, following order.

- (i) Bail Application No. 495 of 2018 is allowed and disposed of.
- (ii) The Applicant is directed to be released on bail in connection with C.R. No. I-104 of 2017 registered with Hill Line Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall not enter into the jurisdiction of Ambernath City till conclusion of the trial.
- (iv) The Applicant shall not threaten the witnesses.

- (v) The Applicant shall furnish details of his place of residence to the Investigating Officer after he is released on bail.
- (vi) The Applicant shall attend the trial Court regularly on the date of hearing of the case, unless exempted by the trial Court for some reason.
- (vii) The Bail Application No.495 of 2018 and Criminal Application No. 301 of 2018 stand disposed of.

[PRAKASH D. NAIK, J.]