

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

CRIMINAL BAIL APPLICATION NO. 1707 OF 2019

Virputran @ Vira Raja Harijan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Prashant Gurav a/w. Mr. Yogesh Sankpal, Advocate for the Applicant.
Mr. S.R. Agarkar, A.P.P. for the Respondent-State.

CORAM : SANDEEP K. SHINDE, J.
DATE : 06th NOVEMBER 2019.

P.C.

1 Heard learned counsel for the applicant and Mr. S.R. Agarkar learned A.P.P. for the Respondent – State.

2 Applicant is seeking bail in Crime No.224 of 2018 registered with the Aarey Police Station, Mumbai for the alleged offences punishable under Sections 307, 504, 120(B), 506(2) read with 34 of the Indian Penal Code, 1860 (**‘IPC’** for short) and Sections 37 (1) and 135 of the Maharashtra Police Act.

3 Ranjit Kumar Chelliya reported to the police on 16th October 2018 that the applicant and other accused in the course of quarrel applicant inflicted injury on his neck by the sickle; one Pravin inflicted the blows of iron rod and other accused inflicted kick and fists and blows. On this

report, the offence under Section 307 of IPC came to be registered.

4 Learned counsel for the applicant has drawn my attention to the injury reports which show one injury of simple in nature on frontal region caused by the sharp weapon. The other two injuries are on shoulder, hand and middle finger, of simple in nature. The next certificate of another injured, shows injury / abrasion, simple in nature on the left wrist. Learned counsel for the applicant, therefore, submits *prima facie*, offence under Section 307 of IPC is not attracted. He submits investigation is over and trial is not likely to commence in the near future.

5 Learned A.P.P., however, submits that one injury caused by sharp weapon was inflicted on the vital part of the body. He submits though nature of that injury is simple, intention could be gathered as injury No.1 was inflicted on vital part of the body and weapon was “dangerous”. He submits the sickle was recovered at the instance of the applicant.

6 Learned A.P.P. submits that the applicant was juvenile in conflict with law, for the offence punishable under Section 302 of the IPC. The submission is there are criminal antecedents, against the present applicant.

7 The injury certificates disclose injuries were simple in nature,

except one. The weapon, allegedly recovered at the instance of the applicant, was not stained with the blood. The clothes on the person of the accused were not stained with the blood. The applicant is in custody since 16th October 2018. Investigation in this case is over. The trial is not likely to commence in the near future. Looking into the material on record, case is made for granting bail. Application is allowed and the applicant is directed to be released on bail on the following terms and conditions :

ORDER

- (i) The applicant is directed to be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or more local sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station twice a week commencing from the 18th November 2019 on each Thesday and Friday in between 10:00 a.m. to 12:00 noon for the period of one year.
- (iii) The applicant shall inform particulars of his residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

- (iv) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;
- (vii) If there are two consecutive defaults either in attending the Police Station, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8 The application is allowed in the aforesaid terms and is accordingly disposed of.

9 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10 All concerned to act on the authenticated copy of this order.

(SANDEEP K. SHINDE, J.)