

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

CRIMINAL BAIL APPLICATION NO. 1737 OF 2019

Suraj Kanhyalal Chuniyan

...Applicant

Vs.

State of Maharashtra

...Respondent

- Mr. Ramesh Dube-Patil I/b Ms. Shraddha Dube-Patil, Advocate for the Applicant.
- Mr. Prashant Jadhav, APP for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : 2nd AUGUST, 2019

P.C. :

1. The applicant is seeking his release on bail in connection with CR No. 1/19 dated 1st January 2019 registered at Manmad Police Station under Section 307, 353 and 332 of the IPC and under Sections 3 read with 4 read with 25 of the Indian Arms Act.
2. The FIR is lodged by API Ranjeet Galande on 1st January 2019. He has stated in his FIR that he was on patrolling duty between night on 31st December 2018 and 1st January 2019. At that time, they received an information that the present applicant, who was on police record and was wanted in different crimes, was moving around in a Idgah area with weapons. The informant

alongwith other police officers went to that area. The present applicant was seen at around 1.30 a.m. He was riding a Splendor motor cycle. When he saw the police, he started going away. The first informant and others chased him. At that time the applicant removed a sickle and tried to assault police constable Mahendra Gavli. The applicant lost his control of the vehicle and fell down. He started running away. At that time, the informant and others chased him and caught him. He scuffled with the police officers. He assaulted the informant with the back side of a sickle. He pushed the police officer and went away. The informant had suffered injuries on his hand and chest. Therefore, he was taken to the hospital at Manmad and thereafter, FIR was lodged.

3. Subsequent of lodging of the FIR, the applicant was arrested on the same day and since then he is in custody.

4. Heard, Mr. Dube-Patil, learned counsel for the applicant and Mr. Jadhav, learned APP for the State.

5. Learned counsel for the applicant submitted that though the applicant is alleged to have assaulted the police officer, the injuries are simple. The applicant was carrying weapon and yet he did not

cause more harm to any of the police officers. Though at this stage, the incident cannot be disputed, it is doubtful whether, section 307 of the IPC is made out against the present applicant.

6. Learned APP opposed this application because the offence was committed against the police officers when they were performing their duty.

7. I have perused the medical certificate, which shows that the informant had suffered three abrasions on chest, elbow and knee. All these injuries are simple. Though the applicant has obstructed the police officers in performing their duty, the injuries suffered are simple in nature. The applicant was carrying a weapon as per the FIR, but he did not assault the police officers with that weapon from sharp side. Therefore, some leniency can be shown to him at this stage. The applicant will meet his fate at the conclusion of the trial, but his further detention in the custody till conclusion of the trial is not necessary. The charge-sheet is already filed. The investigation is over. Suitable conditions can be imposed on the applicant, so that there is reasonable check on his activities.

8. In this view of the matter, I am inclined to grant bail to the

applicant. Hence, the following order.

ORDER

(I) The applicant is directed to be released on bail in connection with C.R. No. 1/19 dated 1st January 2019 registered at Manmad, on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station on every Sunday between 3.00 p.m. to 5.00 p.m., till conclusion of the trial.

(ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)