

BAIL APPLICATION NO. 2314 OF 2019

V/s.

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DATE : 11th November 2019

1. This is an application for Bail in Connection with C.R. No. 643 of 2017 registered with Nigadi Police Station, Pune for offence punishable under Section 307 of IPC. The applicant was arrested on 17th November 2017.

2. The case of the prosecution is that there was previous quarrel between the applicant and the injured person. Both of them were traveling on Truck as driver and cleaner. The applicant has allegedly thrown chilly powder in the eyes of the complainant and stabbed him by knife and ran away from the place of incident. The applicant was arrested on the same day.

4. Learned advocate for the applicant submitted that there was no intention to commit murder. The incident had occurred on spur of

movement. There are discrepancies with regards to the finding of the chilly powder in the possession of the applicant which is apparent from the spot panchnama and the statement of the accused leading to recovery. It is submitted that the applicant victim is out of danger and discharged from the hospital. There are no criminal antecedents against the applicant. Learned APP however submitted that there is direct evidence against the applicant. The injured has named the applicant as the assailant. Both of them were traveling together. The injured had sustained grievous injury. There is recovery of Chilly powder. The knife was recovered from the place of incident.

5. On perusal of the First Information Report and the other documents on record, it is apparent that the applicant and driver (injured) were known to each other. They were travelling on the same truck. Apparently there was previous quarrel and the present incident had also occurred on account of quarrel between both of them. The injured had sustained one injury. He was out of danger within short span of time. There are no criminal antecedents against the applicant. Applicant is in custody since last 2 years.

6. Considering these circumstances, on certain terms and conditions, bail can be granted to the applicant. Hence, the order as follows. :

ORDER

1. Bail Application No. 2314 of 2019 is allowed;
2. The applicant is directed to be released on bail in connection with C.R. No. 643 of 2017 registered with Nigdi Police Station, Pune on his furnishing P.R. bond for the sum of Rs. 25,000/- with one or more 'local' sureties in the like amount;
3. The applicant shall report Nigdi Police station, Pune once in a month on every first Saturday in the month between 10.00 am. to 12.00 pm. till the conclusion of Trial.
4. Bail Application stands disposed of accordingly

(PRAKASH D. NAIK, J.)