

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

CRIMINAL BAIL APPLICATION NO. 2711 OF 2019

Suraj Parshuram Jadhav

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Neville D. Deboo i/b. Abhay Baliram Bhoir, Advocate for the Applicant.

Ms. Rutuja Aambekar, 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 Ms. Rutuja Aambekar learned A.P.P. for the Respondent – State.

2 Applicant is seeking bail in Crime No. I-82 of 2019 registered with the Narpoli Police Station for the alleged offences punishable under Sections 307, 323, 324, 504, 143, 144, 147, 148 and 149 of the Indian Penal Code, 1860 (**‘IPC’** for short) and read with Sections 37 (1) and 135 of the Maharashtra Police Act.

3 Alleged incident is dated 15th February 2019. The applicant came to be arrested on 17th February 2019.

4 There is a cross complaint by one of the accused in the subject

crime, arising out of the same incident registered on 16th February 2019 for the offence punishable under Section 326, 323, 504 read with Section 34 of the IPC. It is alleged that in the course of the quarrel between the applicant and complainant (Birju Hiralal Gupta), the applicant summoned his friends, who then arrived at the spot. Complainant alleged that the applicant inflicted blows of knife on his head and on the head of his sons; Shankar Gupta, Parvesh Gupta and Sagar Gupta. It is alleged that applicant's associates injured the complainant and his sons by fist blows and iron rod. Complainant alleged and attributed a specific role to this applicant, having inflicted knife, blows on the head of his three sons.

5 Learned counsel for the applicant has brought to my notice the injury certificate of the complainant and of his sons, Parvesh and Sagar. These three injury certificates show that injuries were simple. Injury certificate of Shankar, shows one grievous injury on frontal lobe. Nature of injury is, "Contused Lacerated Wound", and the kind of weapon was sharp / blunt. Thus, except Shankar, others did not suffer grievous injuries.

6 Learned counsel for the applicant has drawn my attention to the statement of Shankar recorded on 24th February 2019, wherein it does not attribute any role to the applicant.

7 I have gone through the charge-sheet. Admittedly, except Shankar, injuries allegedly inflicted on others were simple in nature. Shankar did not attribute role of the present applicant, who is the student of TYBA with no criminal antecedents. Even otherwise, it is pointed out that the two accused have been released on the bail by the learned Sessions Judge by the order dated 05th July 2019. The investigation in this case is complete. The charge-sheet has been filed. The trial is not likely to commence in the near future.

8 In view of the facts and material on record, the application is allowed. Applicant is directed to release 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 sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station once, in a month of Monday of the first week, 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 within a week from date on which order is uploaded;

(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) (iv) and (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.

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

10 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.

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

(SANDEEP K. SHINDE, J.)