IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2551 OF 2018

Nikhil Bhagwan Chaudhary, Age 26 years,
R/o.Old Taradi, Kamat Ghar Road,
Bhiwandi, Dist.Thane. Applicant

versus

The State of Maharashtra Respondent

Ms.Sushma Mishra for applicant.
Mr.R.M.Pethe, APP, for State.
Mr.Haneef Shaikh, PSI, Bhiwandi City Police Station, present.

CORAM : PRAKASH D. NAIK, J.
DATE : 8th January 2019

PC :

1. This is an application for bail in connection CR No.I-101 of 2018 registered with Bhiwandi City Police Station under Sections 307, 326, 324, 323, 143, 147, 148, 149, 54, 506 of Indian Penal Code and under Sections 37(1) and 135 of Maharashtra Police Act.

2. The applicant is arrested on 7th April 2018. On completing investigation charge sheet has been filed. The case of prosecution is that on account of previous quarrel which had occurred on 1st April 2018, the applicant and others had assaulted the injured on 6th April 2018. The applicant alleged to have assaulted by a knife on the waist of the injured and others had assaulted by giving fist blows, beer bottles and article used for cleaning the dhaba. Learned advocate for applicant submitted that there are no antecedents against applicant. The charge sheet is already filed. The injuries did not make out any intention to commit murder. The applicant is in custody from the date of arrest.

3. Learned APP, however, states that there are eye witnesses to the incident. The injured had sustained injuries due to the assault by knife. Two accused are still absconding.

4. I have perused the FIR and other documents. The applicant has been attributed the role of assaulting by knife. The involvement of applicant is indeed reflected in the FIR and statements of eye witnesses. The injury no.1 reflected in the injury certificate is apparently attributed to the assault by knife which was used by applicant. The medical certificate refers to two sets of injuries on the waist part of the injured. It is also stated that there was no active bleeding. The injured was in hospital for two days and thereafter he was discharged. The charge sheet is filed. The trial may not be commenced with immediate effect. There are no antecedents against applicant. In the circumstances, case for grant of bail is made out.

5. Hence, I pass following order :

**ORDER**

(i) Criminal Bail Application No.2551 of 2018 is allowed and disposed off;

(ii) The applicant is directed to be released on bail in connection with CR No.I-101 of 2018 registered with Bhiwandi City Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report Bhiwandi City Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;

(iv) The applicant shall not tamper with evidence and shall attend the Trial Court proceedings on the dates of hearing regularly, unless exempted by the Trial Court for some reason;

(v) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of six weeks from the date of release.

(PRAKASH D. NAIK, J.)

MST