

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

CRIMINAL BAIL APPLICATION NO. 2772 OF 2018

Nilesh E. Bhagat	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. S.R. Barulkar I/by Saimand Chaugule for the applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

Mr. Kshirsagar, API, Mumbra Police Station is present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 15th JANUARY, 2019.

P.C.

1. This is an application for bail in CR No. 309 of 2018 registered with Mumbra Police Station for the offence punishable under Sections 307, 143, 144, 147, 148, 149, 504, 506(2) of Indian Penal Code and Sections, 3,4, 25 of Arms Act and Section 37(1)(3), 135 of the Maharashtra Police Act.

2. The case of the prosecution is that the brother of the applicant had enmity with the complainant over the issue of sitting at the auto-rickshaw stand and they sought to take revenge with the complainant and his co-worker. It is alleged that on 7th June, 2018 at about 7 p.m. the brother of the applicant called the complainant to sort out the quarrel. At that time the complainant

and his co-workers went to meet the brother of the applicant at his office. It is alleged that when they reached near Kunal Beer Shoppe, the brother of the applicant came there with a sword and the applicant came with a pistol in his hand and started abusing the complainant. It is alleged that some 3 – 4 unknown persons came there and started abusing the complainant. At that time brother of the applicant assaulted the complainant with a sword on the complainant's head. As a result of which he sustained injury.

3. Applicant is in custody from 15th June, 2018. Apparently, the role attributed to the applicant that he was accompanying co-accused who had assaulted the complainant with sword. The applicant was indeed holding pistol and it is not the prosecution case that applicant had fired from the said pistol at the time of incident.

4. Considering the role attributed to the applicant and the fact that he is in custody from the date of arrest, investigation is completed and chargesheet has been filed and also considering that there are no criminal antecedents against the applicant. The case for grant of bail is made out.

ORDER

- i Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. 309 of 2018 registered with Mumbra Police Station on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii. Applicant shall report to concerned Police Station once in a month on first Saturday between 11:00 a.m. to 1 p.m., till further orders;
- iv. Applicant shall not temper with the prosecution witnesses or pressurize the witnesses;
- v. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)