

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

CRIMINAL BAIL APPLICATION NO. 3165 OF 2019

Nitesh Rajkumar Bhise ...Applicant

V/s

The State of Maharashtra ...Respondent

Mr. Kuldeep S. Patil for the applicant.
Smt. Geeta Mulekar APP for the State/ Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 12TH DECEMBER, 2019

PC :

1. The applicant is seeking bail in connection with C.R. No. I-611 of 2019, registered with Waliv Police Station, Palghar for the offences punishable under Sections 307,326,324,354,504,506 r/w. 34 of the Indian Penal Code, 1860 ('IPC' for short). The applicant was arrested on 3rd June, 2019.

2. The prosecution case in short is that sister of the complainant and accused are residing in the same vicinity. On 1st June, 2019, accused Sachin Bhise had an argument with sister of complainant and her brother. Co-accused Sachin Bhise pushed and slapped the sister of the

complainant and assaulted her brother. The sister of the complainant called the complainant who reached at the spot alongwith his friends. The complainant told accused sachin to leave the place. He threatened him. He returned after ten minutes alongwith the applicant and other accused. The accused were armed with knife. The accused assaulted the complainant and his friends by weapons. The injured were treated in hospital. The statement of witnesses were recorded.

3. The supplementary statement of the complainant was recorded on 4th May, 2019. He has attributed the specific role of assault to accused by weapons. As far as applicant is concerned, it is alleged that he was amongst the other accused. Supplementary statement do not indicate that the applicant was instrumental in assaulting the complainant and injured person with weapon. However, he was present at the scene of the offence. He allegedly told his brother that he is there to support him.

4. Learned APP however submits that the complainant has also stated that all of them had assaulted the complainant and others by fist and kick blows. The injured

persons were admitted in the hospital for treatment for period extending ten days. They have sustained to grievous injuries. On perusal of the injury certificate, it is apparent that the injuries can be attributed to the persons assaulted by weapons. The weapons were recovered from co-accused. Undisputedly, there are no criminal antecedent against the applicant. The complainant and the injured witnesses has not attributed the specific role of assaulting them by weapons to the applicant. He is in custody from the date of the arrest charge-sheet is filed, hence bail can be granted.

ORDER

- (i) Bail Application No.3165 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-611 of 2019, registered with Waliv Police Station, Palghar, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant is directed to report the concerned Police Station, once in a month on first Saturday of

every month between 10:00 a.m. to 12:00 p.m. till further order;

(iv) The applicant shall not tamper with the evidence. The applicant shall attend trial court on the date of the hearing of the case regularly unless exempted by the court.

(iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)