

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

CRIMINAL BAIL APPLICATION NO. 83 OF 2020

Akshay Natha Kolekar

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Priyal G. Sarda, Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

Mr. Pramod Kathore, P.S.I. Chakan Police Station, Pimpri
Chinchwad, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 5th MARCH, 2020

PC :

1. The applicant is arrested on 14th August, 2019 in connection with C.R. No. 1109 of 2019 registered with Chakan Police Station, Dist. Pune for offences punishable under Section 307, 326, 323, 504 of Indian Penal Code. Initially the offence was registered under Section 326 of Indian Penal Code, subsequently, it was converted into Section 307 of Indian Penal Code.

2. The case of the prosecution is that the injured Santosh Kolekar was assaulted by the applicant with knife. He was hospitalized for a period of about 12 days and subsequently discharged. The investigation is completed and charge-sheet is filed.

3. Learned counsel for the applicant submitted that the applicant is in custody from the date of arrest. There are no criminal antecedents against the applicant. There was no intention to commit murder. Two injuries are in the nature of CLW. Third injury is transverse colon perforation. It is submitted that the complainant and injured persons has referred to one blow whereas medical certificate refers to the injuries which are not possible by edge of sharp weapon. It is submitted that the applicant is willing to stay out of jurisdiction of Chakan Police Station.

4. Learned APP submitted that the offence is serious in nature. The injured had sustained three injuries. The injuries were grievous in nature. The applicant intended to kill the deceased however, he survived the knife has been recovered from the applicant.

5. The applicant is in custody almost for a period of about 7 months. There are no criminal antecedents against the applicant. The victim is out of danger. On stringent condition, applicant can be granted bail.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 83 of 2020 is allowed;

- ii) The applicant is directed to be released on bail in connection with C.R. No. 1109 of 2019 registered with Chakan Police Station, Dist. Pune on furnishing PR. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall stay out of jurisdiction of Chakan Police Station, Pune till conclusion of trial.
- iv) The applicant shall not tamper with the evidence. In the event, the applicant is involved in threat to injured or the eye witnesses or tampering the evidence in any manner, the prosecution is at liberty to prefer an application for cancellation for bail.
- v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)