

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION (ST) NO. 2238 OF 2020

Umesh Kisan Karbhari

and Ors.

....Applicants

V/s.

The State of Maharashtra

....Respondent

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Mr. Sanjay Gawade i/by. Shree & Co., Advocate
for the applicants.

Mr. Yogesh Dabke, APP for State.

CORAM : SANDEEP K. SHINDE, J.
(through Video Conference)

Wednesday, 30th September, 2020.

P.C . :

1. Papers are produced for 'Speaking to Minutes' of the order dated 18th September, 2020.

2. Inadvertently, the bail conditions were not incorporated in the order, thus Paragraph No. 4 (i) to (v) be added ;

(i) Applicant No.2 is directed to be released on bail on executing PR bond for the sum of Rs. 20,000/- with one or more sureties in like sum.

(ii) In view of outbreak of Covid-19 pandemic, applicant No.2 is permitted to furnish the cash bail.

(iii) Applicant No.2 shall report to the Investigating Officer once in a month i.e. 2nd Monday of each month commencing from October, 2020 till the charge is framed.

(iv) Applicant No.2 shall furnish particulars of his permanent residential address and contact details to the Investigating Officer forthwith.

(v) Applicant No.2 shall not tamper with the evidence or attempt to influence or contact the complaint witnesses or any person concerned with the case.

3. Corrections be carried out in the order.

(SANDEEP K. SHINDE, J.)

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CORAM : SANDEEP K. SHINDE, J.
(through Video Conference)

Friday, 18th September, 2020.

P.C . :

1. Heard learned Counsel for the
applicant and learned APP for State.

2. Previous enmity between the
applicant no.1 and the complainant is the
motive alleged by the prosecution. It is
complainant's case that, on 20.12.1990
when he was returning home riding on

motorcycle, a car dashed against his motorcycle and thereafter occupants of the car alighted and assaulted him by hammer and sticks. Complainant alleged, the applicant no.1 inflicted first assault by hammer and thereafter other accused followed him. Applicants' name has been disclosed in the FIR filed on 20.12.2019 for committing the offences punishable under Section 307 read with Section 149 of the Indian Penal Code. Names of other accused were disclosed in the supplementary statement. The car allegedly used in committing the crime is owned by the applicant no.1. Counsel for the applicants confirms this fact on instructions. The complainant had suffered four fractures. Injuries were on head, leg and hand. One hammer has been recovered from the applicant no.1. It is submitted by Counsel for the applicant,

that accused nos.3, 4 and 5 have been released on bail by the Court of Sessions and the role attributed to applicant no.2 is the same which has been attributed to accused nos.3, 4 and 5. It is therefore urged that, applicant no.2 may be released on bail on parity.

3. I have perused the chargesheet. Previous enmity between applicant no.1 and complainant is apparent. A specific role has been attributed to the applicant who dealt a blow on the head of the injured. Corresponding injury is found and noted in the injury certificate. The injury inflicted is on the vital part of the body with a deadly weapon. Thus, though investigation is over but gravity of the offence and the planned manner in which assault was inflicted, cannot be overlooked. There is one previous offence

registered against the applicant under Section 394 Indian Penal Code at Bazar Peth Police Station. Considering the facts of the case, role attributed to the applicant no.1 and the material placed before me, bail application of applicant no.1 is rejected.

4. On parity, bail application of applicant no.2 is granted.

4(i). Applicant No.2 is directed to be released on bail on executing PR bond for the sum of Rs. 20,000/- with one or more sureties in like sum.

(ii). In view of outbreak of Covid-19 pandemic, applicant No.2 is permitted to furnish the cash bail.

(iii). Applicant No.2 shall report to the Investigating Officer once in a month i.e. 2nd Monday of each month commencing from October, 2020 till the charge is framed.

(iv). Applicant No.2 shall furnish particulars of his permanent residential

address and contact details to the Investigating Officer forthwith.

(v). Applicant No.2 shall not tamper with the evidence or attempt to influence or contact the complaint witnesses or any person concerned with the case.

5. It may be stated that, since after 2012 till 2019, no offence has been registered against the applicant no.1 and in view of the fact that, co-accused have been released on bail, if the trial does not commence on/or before December, 2021, applicant no.1 is granted liberty to seek his enlargement on bail.

6. With the aforesaid observations, the application is disposed off.

(SANDEEP K. SHINDE, J.)