

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

**CRIMINAL BAIL APPLICATION NO. 1011 OF 2020**

Pravin @ Pallya Arjun Uttekar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

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Mr. Navin Shrivastava for Applicant.

Mr. S. H. Yadav, APP for State/Respondent.

Mr. V. R. Malodkar, P.S.I. Dahisar Police Station, present.

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 15<sup>th</sup> DECEMBER, 2020**

**P.C. :**

1. The Applicant is seeking his release on bail in connection with C.R.No. 1438 of 2020 registered at Dahisar police station, on 30/09/2020, under sections 307, 341, 387, 504, 506(2), 427, 188, 269, 270 r/w. 34 of the Indian Penal Code (for short 'IPC;') and under section 37(1)(a)(c) r/w. 135 of the Maharashtra Police Act. The applicant is arrested on 07/10/2020 and since then he is in custody.

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2. The F.I.R. is lodged by one Manish Singh. He has stated that, on 30/09/2020 he was returning home at around 1.15a.m. after having dinner with his friends in Borivali. When he reached Shivaji Nagar Rahivasi Sangh, suddenly the applicant intercepted his two wheeler with his own two wheeler. There was one more person with the applicant. They got down. The applicant removed a knife and threatened the first informant. He asked to pay Rs.1000/-p.m. The informant tried to go away. In the scuffle, the knife fell down. The applicant picked up a paver block and gave blow on the informant's head. He suffered bleeding injury. He shouted. A rickshawala and others came there. The applicant threatened them also. Therefore, nobody came to help the informant. After some time, even the applicant went away from the spot. The informant was taken for medical treatment and then this F.I.R. was lodged.

3. Heard Shri. Navin Shrivastava, learned counsel for the applicant and Shri. Yadav, learned APP for the State.

4. The learned counsel for the applicant submitted that, the incident is not true and in any case section 307 of IPC is not attracted. The injury suffered by the informant is simple in nature.

5. The learned APP produced medical certificate of the informant before me. It shows that, he had suffered one simple injury of dimension 3 x 2 x 0.5cm. on occipital region. The learned APP submitted that the applicant has eight antecedents and, therefore, bail should not be granted to him.

6. I have considered this submissions. The injury suffered by the informant is simple. The applicant did not try to inflict more blows though he had an opportunity and weapon with him. Therefore, at this stage, it is difficult to observe that there was any intention to commit murder. The injury caused is simple in nature. The narration in the F.I.R. appears to be exaggerated. In this view of the matter, the applicant's custodial interrogation is not necessary. However, considering long list of antecedents against the applicant, some conditions will have to be imposed on him, so

that, there would be check on his activities. The applicant is arrested on 07/10/2020. The investigation, in respect of the applicant, is already over.

7. Hence, the following order :

**ORDER**

- (i) In connection with C.R.No. 1438 of 2020 registered at Dahisar police station, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall attend Dahisar police station, on every Monday between 10.00a.m. to 11.00a.m. for a period of one year from today.
- (iii) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**