

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

Pradeepkumar
P. Deshmane

CRIMINAL BAIL APPLICATION NO. 1389 OF 2019

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Deshmane
Date: 2020.10.26
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Datta M. Patil

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Amrish R. Salunkhe a/w Mr. Jigar Agarwal for Applicant.
Mr. S. H. Yadav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd OCTOBER, 2020

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R. No.582 of 2018 registered with Ghatkopar Police Station on 21/09/2018, under sections 307, 504, 506 r/w 34 of the Indian Penal Code r/w Section 4, 25 of the Indian Arms Act and Section 37 (1) (A) r/w 135 of the Maharashtra Police Act.
2. The FIR is lodged on the same day by one Baban Shaikh. He has stated in his FIR that, the applicant and his brother are of criminal nature and have caused disturbance in the area of

VB. Nagar Police Station and other police stations and there are cases pending against them. On 21/09/2018 the informant had gone to Sessions Court to attend a case along with his friend Hasina. While coming back, he got down at Ghatkopar Station at around 5.20 p.m. He was walking from under a bridge. Suddenly, the applicant and his brother Krishna came in front of him. Krishna was carrying knife and the applicant was carrying sickle. Krishna pushed him. Krishna assaulted him on the chest. The applicant tried to give blow with sickle on his back. The informant tried to evade that blow, but in the process suffered some injuries on the back. Thereafter, Krishna gave a blow on his throat but that blow was also warded off. His friend Hasina got scared and went away from the spot. The informant sought help but the people in the area did not come to his rescue. After some time, the applicant and his brother left the spot. On these allegations, the FIR is lodged.

3. The applicant was arrested on 22/09/2018 and since then he is in custody. The investigation is over and the charge-sheet is filed.

4. Heard Shri. Amrish R. Salunkhe, learned counsel for the applicant and Shri. S.H. Yadav, learned APP for the State.

5. Learned counsel for the applicant submitted that, no serious injuries is caused to the informant. The co-accused is already released on bail. He invited my attention to the injuries suffered by the informant. There were four injuries. The first injury was on the chest caused by a sharp weapon of the size 1 x 0.2 cm. The depth could not be assessed. The second injury was 8 cm linear abrasion. The third injury was incised wound on the right elbow of dimension 1 x 0.5 x 0.5 cm and the 4th injury was swelling on the lower lip. Except first injury all other injuries were described as simple injuries. For the first injury no definite opinion was given. He submitted that, no offence under Section 307 of I.P.C. is made out.

6. Learned APP on the other hand submitted that, as there are 14 previous cases against him, therefore granting him bail would not be proper. He submitted that, the informant's version is supported by his friend Hasina in her statement. There is one more eye witness Ratan Gupta but he was not knowing the

assailants. No test identification parade was held to enable him to identify the suspects.

7. I have considered submissions of both sides. The injuries caused to the informant are simple injuries. The first injury which is caused is attributed to the co-accused Krishna who is already released on bail. Therefore, on parity the applicant deserves to be released on bail. Whether Section 307 of the Indian Penal Code is attracted or not will have to be decided at the time of trial. At the stage of consideration of bail, the injuries do not appear to be serious. The applicant had ample opportunity to cause even more serious injuries. It was not done. This is another factor in his favour. The applicant is in custody since September, 2018 i.e. for more than two years. The investigation is over and his custody is not required for investigation purpose. However, considering his past record, some conditions are required to be imposed on him, though I am inclined to grant him bail. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 582 of 2018 registered with Ghatkopar 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) Looking at the prevailing circumstances, it may not be possible to the applicant to furnish sureties immediately. Therefore, initially the applicant is permitted to furnish cash bail for the same amount. The applicant will have to furnish the sureties, as directed, within three months from today.
- (iii) The applicant shall attend the concerned police station on first Monday of every month between 10.00 a.m. to 11.00 a.m. for a period of one year from today.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)