

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

CRIMINAL BAIL APPLICATION NO. 2670 OF 2019

Ajay alias Uma alias
Umesh Ananta Kasle

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Sachin R. Pawar, Advocate for the Applicant.
Ms. P.P. Shinde, A.P.P. for the Respondent-State.

...

CORAM : SANDEEP. K. SHINDE, J.
DATE : 31st JANUARY, 2020.

P.C.

Heard.

2. Applicant is seeking enlargement on bail in Crime No. 40 of 2018 registered with Bhiwandi Shahr Police Station, for the alleged offences punishable under Section 307, 323, 326, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, 1860 ('IPC' for short).

3. It is alleged that the applicant and the co-accused assaulted the complainant and in the course of

altercation, the applicant inflicted a knife blow on the waist of the complainant. Initially, complainant was treated in private hospital and subsequently in Government Hospital, where he was operated and discharged on 16.02.2018. The prosecution has relied on the discharged summary, however it neither described the size of injury and/or its nature but a stab injury. Prosecution has also relied on the statement of eye witnesses recorded under Section 164 of the Code of Criminal Procedure, 1973.

4. The investigation is over and the final report has been filed.

5. I have perused the final report and the statement of eye witness. Learned counsel for the applicant has brought to my notice, the statement of eye witness, Dilip Bharti. He said the injury was inflicted with chopper, by one Vasant (co-accused); whereas another eye-witness in his statement under Section 164 of Cr.P.C. said, applicant had inflicted

stab injury with knife.

6. In view of the obvious contradiction in the statement of eye witness recorded under Section 164 of Cr.P.C. as to the weapon used for injury and since the investigation is over and the trial is not likely to commence and conclude in the near future. It may be stated that the applicant is in the custody since 13th February, 2018 and the applicant's presence for the trial can be secured by imposing conditions.

7. In view of the facts and circumstances of the case and particularly the contradiction in the version of the eye witness as brought to my notice, the applicant is directed to be released on bail on the following conditions.

ORDER

(i) The applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like

amount;

(ii) The applicant shall furnish the particulars of his residential address as well as permanent address and mobile number to the investigating officer within seven days from the date of his release on bail;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

8. The application is allowed in the aforesaid terms and disposed of.

9. It is made clear that observations made hereinabove shall be construed as an expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP. K. SHINDE, J.)