

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 104/2021**

Mr. Pritesh @ Sonu Mahesh Giri

.....**Applicant**

V/s.

State of Maharashtra

(at the instance of Rabale MIDC

Police Station)

....**Respondent**

* * * *

Mr. Vinod Kashid a/w. Mr. Sumit Bhoite, Advocate for the applicant.

Mr. H.J. Dedhia, APP for State.

CORAM: SANDEEP K. SHINDE, J.

Thursday, 12th August, 2021.

P.C. :

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

2. The applicant seeks his enlargement on bail in connection with Crime No. 130/2020 registered with Rabale M.I.D.C. Police Station, Navi Mumbai for the

offences punishable under Section 307 read with Section 34 of the Indian Penal Code.

3. Prosecution case in brief is that, on 25th May, 2020, at around 11:00 a.m., the applicant allegedly inflicted stab injuries with knife on the chest of the injured, Kesar Rathod. Wife of the injured is the complainant. She would allege, co-accused Mithilesh Chavan and Shashi Vishwakarma held back her husband and facilitated the applicant to inflict knife blows on his chest. Soon thereafter, the applicant was admitted in D.Y. Hospital, where he was an indoor patient for six days. Mr. Kashid, the learned Counsel appearing for the applicant, would submit that the Medico Legal Certificate, shows, the injured had suffered injury on the left axillary I.e. on the arm pit and not on the chest. It is submitted that, although both injuries were stated to be grievous, but infact were simple in nature as could be seen from its size described in the Medico Legal Certificate. It is submitted that, investigation is over and the chargesheet has been filed. Further, it is submitted that, there are no criminal antecedents against the applicant and therefore by imposing appropriate conditions, this Court may release the applicant on bail.

4. I have perused the FIR and the statement of the injured, as also the Medico Legal Certificate of D.Y. Patil Hospital. The two injuries sustained by the injured in the alleged attack mounted by the applicant were not on the vital parts of the body but on arm pit. Size of both the injuries were 4 x 2 x 1 c.m. and 1 x 1 x 0.5 c.m. In consideration of this fact and the fact that, the applicant is in custody since 31st July, 2020, I am inclined to grant bail to the applicant. Besides, it may also be stated that, there are no criminal antecedents against the applicant and the trial is not likely to conclude in the near future. For these reasons, the application is allowed. Hence, the following order :

ORDER

(i) The applicant arrested in Crime No. 130/2020 registered with Rabale M.I.D.C. Police Station, Navi Mumbai, he shall be released on bail on executing P.R. bond for the sum of Rs.30,000/- (Rs. Thirty Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the concerned Police Station on Monday of first week of every

month commencing from September, 2021 till the charge is framed and co-operate in the investigation.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith within a week of his release from jail.

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

6. The application is accordingly allowed and disposed off.

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

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(SANDEEP K. SHINDE, J.)