

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

BAIL APPLICATION NO. 331 OF 2021

Mahesh Ramesh Gaikwad ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Sagar kadam h/f. Mr. Raviraj Paramane, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th MARCH, 2021

PER COURT:

1. This is an application for bail in C.R. No. I-290 of 2020 registered with Shahapur Police Station, Thane (Rural) for offences under Sections 307, 323, 325, 504 & 506 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that the complainant and another person were assaulted by the applicant and others. The First Information Report (for short ‘FIR’) was lodged against unknown person. However, in subsequent statement, the names of the accused were disclosed. The applicant was arrested on 10th August, 2020.

3. The injury certificate of Laxman Sadgir issued by the

government hospital mention that he had traumatic injury and swelling over the little finger. The injury certificate of the other injured Ramnath P. Sadgir issued by the Sub District Hospital, mention that he had suffered CLW which is simple in nature. However, the private hospital has also issued injury certificate on 21st August, 2020 which mentions that Ramnath had sustained CLW over temporo-parietal region and the nature of the injury grievous.

4. Learned APP submitted that, FIR indicates that the applicant and others were creating terror in the locality. The order of the learned Sessions Judge mentions that there are antecedents against the accused. Learned counsel for the applicant however on instructions submits that there are no criminal antecedents against the applicant. It is also pointed out that say filed by the investigating officer before the Sessions Court dated 2nd September, 2020 opposing application for bail does not refer to any criminal antecedents of the applicant.

5. The applicant is in custody from 10th August, 2020. Investigation is completed. Charge-sheet is filed. Considering the factual aspects of this matter, bail can be granted. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 331 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-290 of 2020 registered with Shahapur Police Station, Thane (Rural) on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of four weeks in lieu of surety.
- (v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)