

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

CRIMINAL BAIL APPLICATION NO. 256 OF 2021

Dinesh Prabhakar Golhe ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. K. S. Labana, for the Applicant.

Mrs. Anamika Malhotra, APP for the Respondent – State.

N. M. Chougule, A.P.I., Badlapur West Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd MARCH, 2021

PC :

. This is an application for bail in connection with C.R.No.I-236/2019 registered with Badlapur Police Station, Badlapur, Dist. Thane, for punishable under Sections 307, 354, 452, 427 of Indian Penal Code and Section 37(1), 135 Maharashtra Police Act. The First Information Report (in short 'F.I.R.') was lodged on 12th December 2019. The applicant was arrested on 13th December 2019.

2. The complainant has alleged that on 12th December 2019, she was at home along with her father-in-law. At that time, someone knocked the door. Hence, father-in-law of the complainant opened the door. The applicant barged into the house and closed the door.

Father-in-law of the complainant is blind. He could not see as to who had entered in the house. The complainant questioned the applicant for his visit. At that time, the applicant caught hold of the complainant, pressed her mouth and torned her gown. She was pulled on the ground and the applicant tried to press her chest. The applicant was carrying knife with him. He tried to assault the complainant by giving blow on her neck. The complainant tried to shield the attack by her hand. She sustained injury to her finger. The applicant threatened the complainant and again tried to assault her with the knife. The complainant shouted. The residents gathered. The accused ran away from the place of the incident.

3. Pursuant to the registration of F.I.R., the applicant was arrested. The injured was treated in the hospital. On completing investigation, chargesheet was filed.

4. The injury certificate of the complainant indicate that she had sustained stab wound on the right hand palm, which was a simple injury.

5. Learned Counsel for the applicant submits that Section 307 of I.P.C. is not attracted. The case is concocted. No motive is attributed

for the assault. The applicant is in custody from the date of arrest. There are no criminal antecedents against the applicant. The injury sustained by the complainant is of simple nature.

6. Learned APP submits that taking into consideration, the injury sustained by the complainant, the applicant should not be granted bail. The manner in which the complainant was assaulted is required to be considered. The F.I.R. indicates that the applicant tried to assault the complainant on her neck by knife. She avoided the assault by shielding her hand, as a result of which she sustained injury. The applicant tried to again assault her. The father-in-law of the complainant is blind person. The statements of the witnesses support the prosecution case. There are eye witnesses to the incident. Hence, bail may not be granted to the applicant.

7. I have perused the F.I.R. and the other documents on record. The injury certificate refers to one simple injury sustained by the complainant to her hand. The knife was recovered. The applicant was arrested and for a period of about one year, he is in the custody. There are no criminal antecedents against him. Bail can be granted with stringent conditions.

8. Hence, the following order.

ORDER

- (i) Bail Application No.256 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in C.R.No.I-236/2019 registered with Badlapur (W) Police Station, Dist. Thane, on executing P. R. Bond in the sum of Rs.25000/- with one or more sureties in the like amount;
- (iii) The applicant shall not approach the victim or any other witnesses;
- (iv) The applicant shall stay out of the jurisdiction of Badlapur (West) Police Station, till further order;
- (v) The applicant shall furnish the details about the place of his residence;
- (vi) In the event of breach of any condition, the prosecution/complainant would be at liberty to prefer an application for cancellation of bail;
- (vii) The applicant shall attend the trial Court regularly on the date of hearing of the case unless exempted by the Court;
- (viii) The applicant shall attend the nearest Police Station where he would reside after being

released on bail once in three months on 1st
Saturday of month between 11.00 a.m. to 01.00
p.m. till further order:

- (ix) Bail Application No.256 of 2021 stands disposed
of accordingly.

(PRAKASH D. NAIK, J.)