

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

CRIMINAL BAIL APPLICATION NO.655 OF 2021

Rajesh Sukhlal Kurekar

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Viresh V. Purwant a/w Rushikesh Kale, Advocate for Applicant.
- Mr.Deepak Thakre, pp Chief a/w Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 21st APRIL, 2021**

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.214/2019 registered with Shrinagar Police Station, Thane, dated 24/11/2019 under sections 307, 504, 506 r/w 34 of the Indian Penal Code, under sections 4 and 25 of the Indian Arms Act and under section 37 (1), 135 of the Maharashtra Police Act.

2. The FIR is lodged by the victim Sujata Sachin Panchal.

She has stated that she was residing at Indira Nagar, Wagle Estate. She was carrying out some repair work in her room. On 20/11/2019 at about 10.30 p.m. one Ganesh Jadhav, Prem and the present Applicant went to her room. They caused damage to the walls and the roof. They demanded money for allowing the construction. For that, the informant had given complaint to Shrinagar Police Station. On 24/11/2019, at about 07.00 p.m., the informant was talking with one Rajesh Kanojiya in front of her house. At that time, all the three above mentioned persons came there. The Applicant and Ganesh Jadhav held her hands and Prem gave blows of sharp weapon on her head. She raised shouts. She made a phone call to the police. As soon as police reached there, the accused ran away. On this basis FIR is lodged. The Applicant was arrested on 09/12/2019 and since then he is in custody.

3. Heard Mr.Viresh V. Purwant, learned counsel for the Applicant and Mr.Deepak Thakre, learned APP for the State.

4. Mr.Purwant submitted that the informant has improved her story on material aspects. At the first instance she has stated that she was talking with one Rajesh Kanojiya. However, in her supplementary statement dated 29/11/2019 she has improved her version and has stated that she was not talking with Rajesh Kanojiya, but she was talking with Hemant Suresh Dangre, her brother. He submitted that obviously because this incident was false, the informant could not get support from Rajesh Kanojiya and therefore she has introduced Hemand Dangre as an eyewitness to the incident. He submitted that the injury certificate shows that only simple injury was caused to the informant and therefore the offence cannot fall within section 307 of IPC.
5. Learned APP opposed this application. She submitted that the weapon and blood stained clothes of accused Prem is recovered at the instance of the present Applicant. She submitted that since the informant was assaulted with sword, the intention of the accused was clear and offence u/s 307 of IPC is made out.

6. I have considered these submissions. The fact of introducing her brother Hemand Dangre as an eyewitness will have to be tested during trial. For consideration of bail the allegations in the FIR are taken into consideration. The allegation against present Applicant are that he had held her, when the other accused Prem had given blows with sword on her head. In this context the injury certificate assumes importance. The injury certificate mentions that the informant had suffered bone deep CLW of dimension 7 x 1 x 1 cms on parietal aspect of the head. However, it was clearly mentioned in the medical certificate that it was a simple injury on the dangerous part of the body.

7. As per the FIR the Applicant and other accused had opportunity to cause more damage, but except for this injury, which is described as simple injury, no further injuries were caused to her. Therefore the Applicant's case can be considered favorably for grant of bail.

8. Hence, the following order :

ORDER

- (i) In connection with C.R.No.214/2019 registered with Shrinagar Police Station, Thane, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)