

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

CRIMINAL BAIL APPLICATION NO. 691 OF 2021

Sachin Balu Bhoir ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. R. D. Suryawanshi, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 5th MARCH, 2021

PER COURT:

1. This is an application for bail in C.R. No. I-448 of 2019 registered with Kalyan Taluka Police Station, Dist. Thane, for offences under Sections 307, 326, 324, 504 & 506 r/w Section 34 of Indian Penal Code. The applicant was arrested on 17th September, 2019.

2. The First Information Report (for short “FIR”) was lodged on 17th September, 2019. According to complainant, on 16th September, 2019 at about 8.40 p.m. the complainant was parking his auto rickshaw. Sachin Bhoir and Sharad Raut were chitchatting. He told them to move their auto-rickshaw. They shouted him. At about

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8.40 p.m. Sachin Balu Bhoir, Jagdish Balu Bhoir, Kapil Balu Bhoir and Balu Barku Bhoir charged at the complainant. They were armed with sword and bamboo sticks. Balu Bhoir assaulted complainant with wooden stick on his back and neck. Cousins of complainant Suraj Bangar, Hemant Dattatray Sawant and Bhavesh Babu Sawant intervened. Sachin Bhoir had assaulted Suraj Bangar by sword on his hand. Jagdish Bhoir and Kapil Bhoir assaulted by sword. Other persons tried to intervene. Complainant was assaulted. FIR was registered. Applicant was arrested. On completing investigation, charge-sheet was filed.

3. Learned advocate for the applicant submitted that the role attributed to the applicant is that he has assaulted Suraj Bangar. He pointed out injury certificate of Suraj Bangar which indicate that he had sustained injury to his left palm and thumb as well as on arm above elbow. The certificate mentions that no obvious fracture was noted in clinical finding. He also pointed out the injury certificate of Kundan Bangar. He had sustained injury on his neck and chest contusion. The injuries were caused by hard and blunt object. It is submitted that the entire family of the applicant was implicated in this case. The brother of the applicant was subsequently murdered by Suraj Bangar, who has been arrested and he is in custody.

4. Learned App submitted that specific role has been attributed to the applicant. He was armed with sword. All the accused had participated in the assault.

5. The role attributed to the applicant is that he had assaulted Suraj Bangar. Brother of the applicant has been granted bail by the learned Sessions Judge vide order dated 14th February, 2020. Learned APP pointed out that one more case is registered and pending against the applicant for offence under Section 307 of IPC.

6. Considering the factual aspects of the case and since applicant is in custody from 19th September, 2019, bail can be granted to the applicant on certain terms and conditions. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 691 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-448 of 2019 registered with Kalyan Taluka Police Station, Dist. Thane, 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 stay out of jurisdiction of Kalyan Taluka Police Station for a period of Six months.

(iv) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court.

(v) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.

(vi) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)