

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO.724 OF 2021**

Jitendrakumar Alias Jitu Shankarlal Yadav ... Applicant

V/s.

The State of Maharashtra ... Respondent

-----

Mr. Aniket U. Nikam i/b. Mr. Vivek N. Arote, Advocate for the Applicant.

Ms. P.P. Shinde, APP for the Respondent - State.

-----

**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATED : 19<sup>th</sup> APRIL 2021.**

**PC. : Through Video Conferencing**

1. Heard the learned counsel for the applicant and the learned APP for the Respondent – State through video conferencing.

2. This is an application under section 439 of the Criminal Procedure Code, 1973. The applicant herein has been arrested on 2<sup>nd</sup> November 2020 in Crime No.387 of 2020 registered at Dighi Police Station for the offences punishable under section 307 of the Indian Penal Code.

3. The case of the prosecution is that on 2<sup>nd</sup> November 2020 Omkar Bavale lodged a report at the Police Station alleging therein that on 1<sup>st</sup> November 2020 at about 8.45 pm his Manager who was supervising the construction of his site Sai Angan called upon him and informed him that there was some quarrel between the labours engaged by him for the purpose of construction. He reached the spot immediately and upon inquiry found that there was a trifling quarrel between Ajay Sahani and Jitu Yadav (the present applicant). Ajay Shahane has sustained a bleeding injury. He had therefore shifted Ajay Shahane to D.Y. Patil Hospital where he was treated. Upon further inquiry, the complainant had learnt that the injured Ajay and the applicant Jitu had consumed alcohol. That injured Ajay had bitten the applicant on his hand and therefore, in a fit of rage the applicant had picked up a wooden log lying nearby and had assaulted Ajay. The injured Ajay had sustained three contused lacerated wounds on the occipital region which were grievous in nature.

4. The investigation is completed and charge sheet is filed on 28<sup>th</sup> December 2020. In view of this, further custody of the applicant is unwarranted.

5. The learned APP submits that in the course of investigation, it is transpired that the present applicant is the original resident of Uttaragauri Tahsil, Lalganj, Uttar Pradesh. The learned APP submits that it may be difficult to procure his presence at the time of trial. In view of this, certain stringent conditions needs to be imposed upon the applicant. Hence, the following order :

**ORDER**

- (i) Application is allowed;
- (ii) Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- and one or more solvent sureties in the like amount;
- (iii) Applicant shall mark his presence before Dighi Police Station on every Monday till the framing of charge;
- (iv) Application is allowed and disposed of on above terms.

**(SMT. SADHANA S. JADHAV, J)**