

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.803 OF 2021

VIKAS @ VICKY ANKUSH BHISE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Rupesh Zade, Advocate for the Applicant.

Mr.H.J.Dedhia, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

**RESERVED ON : 25th OCTOBER 2021
PRONOUNCED ON : 29th OCTOBER 2021**

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.259 of 2018 registered with Police Station Chinchwad, for offences punishable under Section 307, 326, 323, 143, 144, 147, 148, 149, 504, 120B of the Indian Penal Code (IPC) and

under Section 4(25) and 4(27) of the Arms Act and under Section 37(1) read with 135 of Maharashtra Police Act.

2 The prosecution alleges that on account of previous enmity, on 30th July 2018 accused namely Vikas Ankush Bhise (applicant herein) assaulted the informant in this case by giving a blow of sickle on the left hand of the informant and accused Dada Bhise assaulted on the head and left hand of the informant. Similarly, other accused also beat the informant by fist and kick blows. Accordingly, First Information Report (FIR) came to be lodged.

3 Mr.Zade, learned counsel for the applicant, submits that as far as the applicant is concerned, his role is very limited. It is alleged that the applicant had given a blow of sickle on the left hand of the informant. The learned counsel invited my attention to the injury certificate filed on record and pointed out injury no.8 which is incised wound over left fore arm admeasuring 0.5 X 0.2 X 0.2 cms. According to learned counsel

investigation is over and in such circumstances, the applicant deserves to be released on bail.

4 Mr.Dedhia, learned APP, on the other hand, opposed the submissions and invited my attention to the affidavit of the Investigating Officer dated 12th October 2021 and emphasised the criminal antecedents of the present applicant. In view of the said criminal antecedents, the present application of the applicant should not be allowed, urged learned APP.

5 Reading of the First Information Report (FIR) and the investigation papers would clearly show that the present applicant had given only one blow of sickle on the left fore-arm of the informant. Medical certificate also depicts the injury on the left fore-arm of the informant and incised wound admeasuring 0.5 x 0.2 x 0.2 cms.

6 As far as criminal antecedents are concerned, it appears from the affidavit of the Investigating Officer that the

present applicant is facing twelve cases under various provisions of law. It is also alleged in the affidavit in paragraph 7 that while he was in jail in C.R.No.189 of 2017 under MCOC Act he committed the present offence under Section 307 of the IPC and if released on bail, he may commit similar type of offences.

7 I have already pointed out the act of the applicant and the nature of injuries suffered by the informant. If being on bail the present offence is committed, then the concerned Investigating Officer has remedy to approach the concerned Court which has granted bail to the present applicant and the concerned Court would take cognizance of that aspect. However, having regard to the nature of injuries sustained by the informant, in my considered opinion, there is no necessity of keeping the applicant behind the bars. Similarly, although the applicant is facing number of criminal cases but it is not the case that in any one of them the present applicant is convicted.

8 Having regard to over all circumstances of the case, I am inclined to allow the present application. Hence, the following order :

ORDER

- (i) Applicant – Vikas @ Vicky Ankush Bhise shall be released on bail in Crime No.259 of 2018 registered with Police Station Chinchwad, on his executing PR.Bond in the sum of Rs.20,000/- with one or two sureties in like amount.
- (ii) The applicant shall not tamper with prosecution evidence.
- (iii) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (iv) The application is allowed in the aforesaid terms and stands disposed off accordingly.

(V. G. BISHT, J.)

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