

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

BAIL APPLICATION NO. 913 OF 2021

Rajesh Alias Babu Devidas Gholap ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Subhash B. Rajora, Advocate for the Applicant.

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

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CORAM : PRAKASH D. NAIK, J.

DATE : 8th APRIL, 2021

PER COURT:

1. The applicant was arrested on 20th July, 2020 in connection with C.R. No. 781 of 2020 registered with Samata Nagar, Police Station, Mumbai for offences under Sections, 307, 323 r/w Section 34 of Indian Penal Code (for short "IPC").

2. The case of the prosecution is that the applicant and another person had altercation with each other. At that time the complainant tried to intervene to resolve the dispute. The applicant who was armed with weapon gave three blows on the body of the victim. The injured was taken to hospital. He was treated. Statement was recorded on the next day. The applicant and his brother were arrested. On completing investigation, charge-sheet is filed.

3. From the tenor of the FIR it is apparent that the quarrel was going on between the applicant and another person. Since the complainant had intervened, he was assaulted. The applicant is in custody for substantial period of time. The victim was out of danger. Investigation is completed and the charge-sheet is filed.

4. Learned APP submitted that two cases were registered in 2011 against the applicant. First case for offence under Section 324 of IPC and second case is under the Arms Act. On stringent conditions bail can be granted to the applicant.

ORDER

- (i) Criminal Bail Application No. 913 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 781 of 2020 registered with Samata Nagar, Police Station, Mumbai 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 Samata Nagar Police Station, Mumbai till further order.
- (iv) The applicant shall furnish the details of his residence after he is released on bail to the Investigating Officer.
- (v) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court.

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

(vii) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)