

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

CRIMINAL BAIL APPLICATION NO.1008 OF 2021

Vishal @ Monya Shivaji Phate

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Murtuza Nazmi, Advocate a/w. Vikas Kumbhar and Nirmala Bhoale, for the Applicant.

Mr. S.H. Yadav, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th MARCH, 2021

PC. :

1. The Applicant is seeking his release on bail in connection with C.R.No.1101/2020 registered at Bharti Vidyapeeth police station, Pune on 29.10.2020 under Sections 307 & 506 of the Indian Penal Code, under Sections 4 & 25 of the Indian Arms Act and under Sections 37(1) and 135 of the Maharashtra Police Act.

2. The FIR is lodged by one Akash Patankar on 29.10.2020. He has stated that there was a previous incident between him and the present Applicant in the year 2017 in

which a separate C.R. vide C.R. No.434/2017 was registered against the present Applicant at the same police station under Section 326 of IPC. Since then they were on enmity terms. On 28.10.2020, at about 8:00 p.m. , the Applicant stopped him outside Rajas Society near Pragati Garden. He removed a knife and gave a blow on the informant's chest. The informant ward off that blow, but, he suffered bleeding injury on the chest. On this basis, this FIR is lodged.

3. Heard Shri Murtuza Nazmi, learned Counsel for the Applicant and Shri S.H. Yadav, learned APP for the State.

4. Learned Counsel for the Applicant submitted that there is a statement of one Sameer Kadu. The informant had met him on 29.10.2020 at 8:30 p.m. and at that time the Applicant had told him that he was assaulted by unknown persons. He was not aware of the identity of the assailants. He submitted that this statement made by the informant shows that the Applicant is not involved in the crime. He also submitted that the injuries suffered by the informant are simple in nature. The Applicant was arrested on 13.10.2020 and since then he is

in custody. The charge-sheet is already filed. The investigation is over.

5. Learned A.P.P. opposed this application. He submitted that the informant's statement is enough to show the Applicant's involvement. He further submitted that there was a previous FIR pending against the present Applicant and, therefore, he should not be shown any leniency.

6. I have considered all these submissions. At this stage, there is some doubt created because of the statement given by the informant to one Sameer Kadu. At that time, the informant told this witness Sameer that he was not aware about the identity of the assailants. However, his statement before the police is categorical and there he has named the present Applicant as the assailant.

7. The injury certificate shows that the informant had suffered one laceration of the size 8 cm x 1 cm subcutaneous deep. It was described as a simple injury. There was only one blow. No further attempt was made by the Applicant to give

more blows on any vital part. Since the investigation is already over, it appears that the offence has not escalated to any higher degree. The Applicant is in custody since 13.10.2020.

8. Considering the simple nature of injury caused to the informant, bail can be granted to the Applicant. However, as rightly pointed out by the learned A.P.P., there is one previous FIR pending against the present Applicant. Therefore, conditions will have to be imposed on him. Hence, the following order :

ORDER

- (i) In connection with C.R.No.1101/2020 registered with Bharti Vidyapeeth police station, Pune, 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) The Applicant shall attend the concerned police station every fortnight, for a period of one year from today.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)