

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

CRIMINAL BAIL APPLICATION NO. 1078 OF 2021

Vinod Tukaram Rathod	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Vinayak Patil, for the applicant.
Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th MARCH, 2021

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No. 657 of 2019 registered at Chikhali Police Station, Pune on 21/11/2019 under sections 326, 323, 504 of the Indian Penal Code. Subsequently Section 307 of the Indian Penal Code was added. The applicant was arrested on 27/7/2019 and since then he is in custody.

2. Heard Mr. Vinayak Patil, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The FIR was lodged by Kavita Jadhav who is wife of y.s.patil

injured Sakharam. Besides, the first informant and the informant Sakharam, there are two other witnesses namely Vinod and Akash. All these eye witnesses and victims have given a consistent version. They have stated that the applicant had dispute with the victim Sakharam. On the date of incident i.e. on 20/11/2019, there was some quarrel between the first informant and the applicant. At about 1.00 p.m., when the victim Sakharam came home for lunch, his wife, the first informant, told him about the quarrel. The informant then questioned the applicant. The victim met the applicant below their building. He was accompanied by his wife and his relative Nilesh.

4. As the victim questioned the applicant about quarrel, the applicant got angry. He took out a knife and gave blow on left side abdomen of the victim and ran away. On this basis the FIR was lodged.

5. Learned Counsel for the applicant submitted that the applicant gave only one blow. He had not caused serious injury.

The victim was the aggressor. He had questioned the victim and therefore the incident had occurred. He submitted that the applicant is willing to attend the Police Station to show his availability.

6. Learned APP opposed this application. She submitted that the blow was on vital part and therefore, the applicant's intention was clear. She submitted that the applicant could not be arrested for a period of eight months and therefore this also should be taken into account.

7. I have considered these submissions. With the assistance of learned Counsel, I have perused the charge-sheet. Besides the statement of eye witnesses referred to above, the important document is about injury suffered by the victim. The victim had suffered stab wound over left side of abdomen for which two stitches were required. The victim was not even admitted to the hospital but the stitches were given in O.P.D. From the nature of injury it appears that it was not a life threatening

injury. The applicant is in custody since 27/07/2020. The trial is not likely to commence soon. As rightly submitted by learned Counsel for the applicant, it appears that the victim was the aggressor. He had gone to question the applicant. Taking into account all these factors, the applicant can be granted bail. However, considering the fact that he was not arrested for eight months, suitable conditions are required to be imposed to ensure his availability.

8. Hence the following order.

ORDER

- (i) In connection with C.R. No. 657 of 2019 registered with Chikhali 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 concerned Police station every fortnight till framing of the charges.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)