

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO.1305 OF 2021**

Vicky @ Tillya Jalindar Manjulkar ... Applicant

V/s.

The State of Maharashtra ... Respondent

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Mr. Anant Wadgaonkar i/b. Mr. Priyal G. Sarada, Advocate for the Applicant.

Ms. M.H. Mhatre, APP for the Respondent - State.

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

**DATED : 3<sup>rd</sup> MAY 2021.**

**PC. : Through Video Conferencing.**

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

2. This is an application under section 439 of Code of Criminal Procedure, 1973. The applicant herein is arrested on 16<sup>th</sup> November 2020 in Crime No.1259 of 2020 registered with M.I.D.C. Police Station, Solapur for the offences punishable under sections 307, 143, 147, 148, 149 of Indian Penal Code and under section 37(1), 37(3) of Maharashtra Police Act.

3. Investigation is completed and charge sheet is filed on 11<sup>th</sup> February 2021.

4. It is the case of the prosecution that on 12<sup>th</sup> November 2020 one Amrut Mashalkar lodged a report at M.I.D.C. Police Station, Solapur alleging therein that two months prior to the incident he had learnt that the present applicant was assaulting certain people in the premises of the Zilla Parishad School and used to consume alcohol. He had also informed him that the school teacher had asked the complainant to keep a watch on the school premises. He had warned the present applicant. At that juncture, there was an altercation between them.

5. On 11<sup>th</sup> November 2020 at about 11.00 am, the present applicant alongwith three others had assaulted the complainant with an iron rod. That, the present applicant had also assaulted him on his head with an iron rod. All the accused had assaulted him with iron rods and stones. On the basis of his report, an offence was registered and the complainant was admitted in Civil Hospital. The injury certificate of the applicant shows that he had sustained one contused lacerated wound admeasuring 5 x 2 x 1 cm on parietal area of the

skull. There was no other external injury. The diagnosis was that there was soft tissue swelling on left parietal and occipital region. According to the investigation, the complainant was then admitted in Agarwal Nursing Home. The certificate dated 10<sup>th</sup> February 2021 shows that he was admitted in the Nursing Home on 18<sup>th</sup> November 2020 and discharged on 23<sup>rd</sup> November 2020 as he had communitied fracture on his right patella and he was operated for the same. The offence is registered under section 307 of Indian Penal Code. In view of the fact that the applicant had been in custody for more than 5 months his further incarceration is unwarranted. 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.25,000/- and one or more solvent sureties;
- (iii) Application is disposed of on above terms.

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