

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION No. 1706 OF 2021

Sagar Laxman Patil	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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Mr.Satyan Pille for Applicant
Smt. A.A. Takalkar, APP for State
Mr.Dhananjay P. Ganage, PI from Hillline Police Station

CORAM: BHARATI DANGRE, J.
DATED : 6th SEPTEMBER, 2021

P.C:-

1. The Applicant is charged with an offence punishable under Section 307 r/w. 34 of IPC in an offence registered with Hillline Police Station vide C.R. No. I-275 of 2020. The Applicant came to be arrested in connection with the said C.R. on 5th February, 2021 and since then he remained incarcerated. The specific submission is that all other accused being three in numbers, are either granted pre-arrest bail or released on bail on completion of investigation.

The submission is considering the nature of injury indicated in the medico legal certificate, which is a simple injury and the allegations levelled in the complaint, do not stand corroborated which entitle him a release.

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3. With assistance of the learned counsel for the Applicant and the learned APP, I have perused the charge-sheet. The FIR came to be lodged on the complaint filed by one Deepak Thakur, injured, who states that on 25th October, 2020, all the accused persons arrived at the spot with iron rods and he was abused and threatened with dire consequences. The present Applicant is alleged to have assaulted with an iron rod over his head. However, the complainant ducked the blow but the rod hit him on his chest. The statement is, to save himself he ran away and took shelter in his friend's house and sought help.

The injury certificate is placed on record. The injury is in the form of one abrasion 2cm x 0.1 cm on right palm dorsal aspect. The injury is described as fresh and simple being caused by sharp, hard and blunt object. The patient is also taken for the Xray, but the Chest Xray is normal.

In the light of the injury certificate, prima facie, the allegations levelled by the complainant do not stand corroborated. Ultimately, it is a simple injury. True it is that to make out an offence under section 307, the intention of the assailant will have to be ascertained, instead of the injury suffered.

4. The learned APP vehemently opposed the bail application on the ground of the antecedents attributed him, in form of four CRs., being CR. No. 92 of 15 registered under Sections 363, 324, 323,34 of IPC with Hillline Police Station, C.R. No. 225/14

registered under Sections 302, 34 of IPC with Shivaji Nagar Police Station, C.R. No. 128 of 2017 registered under Sections 448, 506, 34 of IPC with Shivaji Nagar Police Station, C.R. No.164/18 registered under Sections 326, 323, 504, 141, 147, 148, 149 with Shivaji Nagar Police Station. As far as C.R. No. 128/17 is concerned, which is invoked under section 506 r/w. 34 of IPC, the learned counsel for the Applicant makes a solemn statement that he stands acquitted. Two other criminal cases pertain to the years 2015 & 2018.

5. The learned APP states that he was also externed by initiating the proceedings under the Maharashtra Police Act, but the learned counsel for the Applicant has invited my attention to the order placed on page No. 71 where the operation of the externment order has been stayed.

6. Considering the accusation faced by the Applicant in the present C.R. and since the investigation is complete and the injury sustained in terms of the injury certificate is a simple injury, the Applicant cannot be incarcerated too long. But, since he has criminal background, which is reflected in the CRs, and the order of externment being passed though it is stayed, it is necessary to keep him away from the District Thane and the learned counsel for the Applicant agree that till the charge is framed, he shall not enter in the jurisdiction of District Thane.

7. Hence, the following order:

ORDER

- (a) The Application be released on bail in connection with C.r. No.I-275/2020 registered with Hillline Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
 - (b) He shall stay outside Thane District subject to clause (c) till filing of charge.
 - (c) On his release, the Applicant shall report to the Thane Police Station immediately for two days and he shall furnish the contact number and his new address where he is likely to reside till this order continue to operate. Thereupon he is directed to report to the police station within whose jurisdiction the Applicant shall reside and he shall mark his presence on first Monday of every month between 10.00 a.m. to 1.00 p.m. in the said police station.
 - (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
8. The Application is allowed and disposed of in the aforesaid terms.

SMT. BHARATI DANGRE, J

