

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

**CRIMINAL BAIL APPLICATION NO. 1089 OF 2020**

|                          |                 |
|--------------------------|-----------------|
| Raj Tuljaram Jadhav      | .... Applicant  |
| Versus                   |                 |
| The State of Maharashtra | .... Respondent |

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Mr. Daulat G. Khamkar, for the applicant.  
Mr. Ajay Patil, APP for the State/Respondent.

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**CORAM :SARANG V. KOTWAL, J.  
DATE : 5<sup>th</sup> MAY, 2021  
(Through Video Conferencing)**

**P.C. :**

1. The applicant is seeking his release on bail in connection with C.R.No. 355 of 2020 dated 05/05/2020, registered at Ambernath Police Station, Thane under sections 307, 326, 452, 506, 127, 188, 143, 144, 147, 148,149,269,270 of the Indian Penal Code, under sections 4 and 25 of the Indian Arms Act, under Section 51(b) of the Disaster Management Act. The applicant was arrested on 06/07/2020 and since then he is in custody. The investigation is over and the charge-sheet is filed.
2. Heard Mr. Daulat Khamkar, learned counsel for the applicant and Mr. Ajay Patil, learned APP for the State.

3. The FIR was lodged by one Chhaya Chavan. She has stated that she and her sister-in-law Manisha Parmal had some dispute with one Budhya Jadhav. He and others in the area were harassing her. On 04/05/2020, at about 9.00 p.m., Budhya Jadhav was selling liquor. The informant questioned him. He got angry and threatened her. After sometime, Budhya Jadhav alongwith his wife Deepali and other associates including the present applicant came there with iron rods, sword and wooden stick. They abused and threatened the informant. Budhya Jadhav gave a blow of sword on the informant's head. She put up her hand. Therefore she suffered injuries on her right hand. Others also assaulted her. The FIR mentions that while they were going away, Manisha Parmal was assaulted by Deepali Jadhav, Ritesh Gaikwad and others. On this basis the FIR was lodged.

4. The applicant and others were arrested. Statement of Manisha is recorded. She has stated that on 04/05/2020, during the incident the applicant had given a blow with sword on her right hand. She has narrated that on 05/05/2020, again at 10. 30

a.m., the applicant, Deepali and others came towards Manisha. At that time, the applicant gave a blow with chopper on her left thigh and right wrist.

5. Shri Khamkar, learned Counsel for the applicant submitted that in the FIR there is no specific role attributed to the present applicant, except that he had accompanied others. In the FIR, the informant had not attributed assault on Manisha to the present applicant. He submitted that in any case, injuries suffered by Manisha are minor. The applicant was not concerned with the injuries caused to the informant. The applicant is in custody since 06/07/2020. Therefore, he deserves to be released on bail.

6. Learned APP relied on statement of Manisha. He submitted that the applicant again on the next day repeated the offence. Therefore leniency should not be shown to the applicant.

7. I have considered these submissions. With the assistance of both learned Counsel, I have perused the charge-sheet. The medical certificate which was given in respect of

medical examination dated 05/05/2020, carried out at midnight shows that Manisha had suffered two simple injuries on left forearm and wrist.

8. Since the narration in Manisha's statement shows that the applicant had caused injuries on the next day as well, I had specifically asked learned APP to produce medical certificate in respect of medical examination carried out on the next day. Such certificate is not part of the charge-sheet but it was produced before me by learned APP. The medical certificate shows that Manisha had suffered two injuries of the dimension of 3c.m. x 2c.m. x2 cm and 3cm x 0.5 cm.x .5 c.m. on the forearm. Thus the injuries are not life threatening and are not on vital parts of the body. Considering this, it appears that the offence may not fall within the meaning of Section 307 of the I.P.C. The applicant is already in custody since 06/07/2020. No purpose will be served by keeping him behind bars. However, looking at the fact that the applicant had repeated the offence on the next day, some condition will have to be imposed on the applicant.

9. Hence the following order.

**ORDER**

- (i) In connection with C.R. No. 355 of 2020, registered with Ambernath Police Station, Thane, 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 report to the concerned Police Station once every fortnight for a period of one year from today.
- (iii) Looking at the prevailing circumstances, it may not be possible for the applicant to furnish sureties immediately. Therefore, initially the applicant is permitted to furnish cash bail for the same amount. The applicant will have to furnish the sureties, as directed, within three months from today.
- (iv) The application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**