

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

CRIMINAL BAIL APPLICATION NO. 1658 OF 2020

Mr. Ravi Sitaram Gaud	 Applicant
Versus	
The State of Maharashtra	 Respondent

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

CORAM : SARANG V. KOTWAL, J.
DATE : 28th JANUARY, 2021

P.C. :

1. The office has placed this matter for correction of the number in the cause title clause of the order dated 07/01/2021. As pointed out by the office, the number in the title of the order dated 07/01/2021 should be 'CRIMINAL BAIL APPLICATION NO. 1658 OF 2020' instead of 'CRIMINAL BAIL APPLICATION (ST) NO. 1658 OF 2020'.
2. The number of the application in the title of the order dated 07/01/2021 be corrected accordingly.
3. Rest of the order remains as it is.
4. Corrected order be uploaded.

(SARANG V. KOTWAL, J.)

**CORRECTED ORDER DATED 07th JANUARY, 2021 READS THUS:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1658 OF 2020

Ravi Sitaram Gaud

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Shashi Prakash a/w S. Pandey, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.
- IO – PSI P.B. Desari, Malvani Police Station, present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 07th JANUARY 2021**

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.320/2020 registered with Malvani Police Station, under sections 307 of the Indian Penal Code. The Applicant was arrested on 01/07/2020 and since then he is in custody. Investigation is over and the chargesheet is filed.
2. Heard Mr.Shashi Prakash, learned counsel for the Applicant and Mr.S.H. Yadav, learned APP for the State.

3. The prosecution case is that on 01/07/2020 FIR was lodged by one Santosh Shripat Pawar. He has stated that the Applicant was residing in his area. The Applicant was addicted to liquor and he used to pick up quarrels with others. 8 to 10 days prior to the incident, the Applicant's wife had gone to the house of the first informant at 02.00 a.m. in the night and had quarreled with him. On the next day, the first informant had gone to the Applicant's house and had explained to him that he had nothing to do with her misunderstanding and he was unnecessarily harassed. On 01/07/2020 at about 02.00 p.m. the Applicant went to the work place of the informant and gave two blows of knife on the abdomen, on the back and thereafter he ran away from the spot. On this basis FIR is lodged.

4. The learned counsel for the Applicant submitted that the injuries were simple in nature. The informant was not even admitted to the hospital. The offence u/s 307 is not made out. The investigation is over. Further custody of the Applicant is not

necessary. He submitted that there are no criminal antecedents.

5. Learned APP on the other hand submitted that there are two other eyewitnesses. Knife is recovered at his instance and therefore there is sufficient material against him.

6. Reasons -:

With the assistance of both the learned counsel, I have perused the entire chargesheet annexed to this application. At this stage occurrence of incident cannot be doubted. The version of the first informant is supported by other eyewitnesses namely Chandrashekhar More and Sakshi Santosh Pawar. The medical certificate shows that the informant has suffered two injuries. One was on the back of dimension 9 cms x 2 cms x 1 cm. The second injury was a stab wound on the abdomen having dimension 3 cms x 2 cms x 3 cms. The medical papers show that the injury on the abdomen had not caused in peritoneal breach and therefore was not a life threatening injury. The other injury was on the back and was not on vital parts. It was sutured

subsequently. The narrations show that the Applicant had ample opportunity to cause more severe damage by giving more blows on the vital parts, but he had given only two blows; one of them was on the abdomen, but it was not very deep. In this view of the matter, at this stage, it can be observed that the offence may not fall within the parameters of section 307 of IPC. However, this fact will have to be decided during trial. At this stage, the Applicant has sufficiently made out the case for his release on bail. The Applicant is arrested on 01/07/2020. Since then he is in custody. He does not have criminal antecedents. His custody for further investigation is not necessary. Offence has not escalated to a severe degree. Therefore I am inclined to grant bail to the present Applicant.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No.320/2020 registered with Malvani Police Station, the

Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) Looking at the prevailing circumstances, it may not be possible to 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 8 weeks from today.
- (iii) The Applicant shall attend the concerned police station once every month for a period of one year from today.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)