

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

CRIMINAL BAIL APPLICATION NO.1734 OF 2020

Santosh Anant Parulekar Applicant

versus

State of Maharashtra Respondent

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- Mr.Tushar Sonawane, Advocate for Applicant.
- Ms.Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st APRIL, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.I-5/2020 registered with Vartak Nagar Police Station, Thane, on 07/01/2020, under sections 307, 341 and 504 of the Indian Penal Code. The Applicant was arrested on 09/01/2020 and since then he is in custody. The investigation is over and the chargesheet is already filed.

2. The FIR is lodged by the victim Deepak Vijay Salekar himself. He has stated in his FIR that he was working as a

Supervisor in the office of a local corporator Jerry John David. The Applicant was working with David as his driver. The informant's employer was having a construction site and the informant was looking after that work. It is the informant's case that the Applicant was constantly troubling him and causing hurdles in the work. In short, there was dispute between them. On 06/01/2020 in the morning there was quarrel between both of them and the Applicant had abused him. He had also caused hurt to the informant's head. In the night at about 10.30 p.m. when the informant was going towards Bhim Nagar, he had reached Vedant Hospital, the Applicant intercepted him with his motorcycle. He removed a knife and gave blows on the informant's head, forehead, shoulder, elbow and fingers. On this basis, FIR is lodged.

3. Heard Mr.Tushar Sonawane, learned counsel for the Applicant and Ms.Pallavi N. Dabholkar, learned APP for the State.

4. Learned counsel for the Applicant submitted that he is the only earning member in his family. His brother is a special person, who requires special care. He has old parents and children to look after. He submitted that the Applicant's further custody is not necessary.
5. Learned APP opposed this application. She submitted that the very fact that the Applicant assaulted the informant with knife shows that he had all the intention to commit the informant's murder. He also has two criminal antecedents in the form of C.R.No.64/2018 registered with Vartak Nagar Police Station and C.R.No.194/2016 registered with Kapurbawdi Police Station. She therefore opposed this application.
6. I have considered these submissions. I have also perused the charge-sheet. The charge-sheet shows that the informant had suffered following injuries in the nature of CLWs on -

- (i) Right frontal region 8 x 3 cms.
- (ii) Occipital region 15 x 3 cms.
- (iii) Left arm 2 x 1 cms.
- (iv) Left forearm 6 x 1 cms.
- (v) Left ring finger 2 x 1 cms.
- (vi) Right side back 3 x 1 cms.
- (vii) midline of back 3 x 6 cms.

7. All these injuries show that the Applicant had given blows with knife. Except for two CLWs on the head, the other injuries were on the arm or on the back. Therefore those were not life threatening injuries. There is nothing on record to show that the injuries on the head had caused any danger to the informant's life. The Applicant had not stabbed the informant on any vulnerable vital part like chest or abdomen.

8. There are statements of independent eyewitnesses. One of them was Nishikant Madhukar Koli. He has stated that he had seen the Applicant and the informant quarreling with each other. After their quarrel they started scuffling. During their scuffle the Applicant removed a small knife from his pant pocket and gave

blows on the informant's person. There are statements of other witnesses namely Magan Bhagoji Parmar, Rajesh Kanji Karotra and Mansukh Sakriya Parsod. These witnesses were not knowing either the informant or the Applicant. But they have described the incident. They have also stated that both these persons were quarreling and scuffling with each other. During that incident one of them removed a knife and gave blows. Thus, it can be seen that the Applicant had not straight away given blows to the informant. Initially the quarrel started between them which took a serious turn and during that time, the Applicant removed a knife. Of course, carrying knife may show his intention. It may be tested during the trial. However, at the stage of consideration of bail, this fact can be taken into consideration that the Applicant had not straight away given blows of knife and only after the scuffle had started, he had removed his knife and given blows. The Applicant is already in custody since 09/01/2020. Investigation is over. Though there are antecedents against the Applicant, as mentioned earlier, they were from year 2016 and 2018. These offences were u/s 324 and 326 of IPC.

9. Considering all these aspects, though I am inclined to grant bail to the Applicant, some conditions will have to be imposed on the Applicant.

10. Hence, the following order :

ORDER

- (i) In connection with C.R.No.I-5/2020 registered with Vartak Nagar 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 attend the concerned police station once every fortnight till framing of the charges.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)