

Vijay Rajendra Patil	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mrs. Anamika Malhotra, APP, for the State-Respondent No.1.

RESERVED ON : 25th November, 2021.
PRONOUNCED ON : 09th December, 2021.

. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in C.R. No. I-173 of 2020 registered with Adgaon Police Station, District-Nashik for the offences punishable under Sections 307, 323 r/w 34 of the Indian Penal Code and Section 135 of Maharashtra Police Act and Sections 128/177 of the Motor Vehicle Act.

 $\frac{1}{4}$

hours while informant was walking after dinner, a white colour Activa scooter came without a number plate driven by accused Suraj Varma. There were two pillion riders, one of them was the applicant. It is alleged that without any reason applicant slapped the informant and thereafter by means of a sharp weapon stabbed him. All of them then ran away. The informant accordingly lodged the report.

3 Ms. Tripathi, learned Counsel for the applicant, submits that the other co-accused have been released on bail and the investigation is over. The trial will take its own time, therefore, the applicant be enlarged on bail, urged learned Counsel.

4 Ms. Malhotra, learned APP, on the other hand, opposed the submissions by contending that there are statements of eye witnesses, which clearly point out the role of the applicant, who had assaulted the informant, by means of a sharp weapon. Learned APP also invited my attention to the medical certificate filed on record and also the antecedents observed by the learned trial Court while rejecting the bail application. There being no merits in the application, the same is liable to be rejected, argued learned APP.

5 Perused the investigation papers. From the FIR it is clear that the applicant had assaulted the informant by means of a sharp weapon. There are statements of eye witnesses also who corroborate the contents of FIR.

6 I have also gone through the medical certificate issued by WOCKHARDT Hospital. It shows that the informant was admitted on 31/05/2020 at about 6.11 a.m. and was discharged on 05/06/2020. There was a stab injury approximately 2 cm in length and bleeding. It was penetrating stab injury on abdomen. Thus medical evidence is also in support of the prosecution case.

7 Regarding antecedents, observations of the learned trial Court show that the applicant was externed in the year 2019 and after the period of externment he again committed two offences. However, the trial Court was of the opinion that there is reasonable apprehension that the applicant would flee from justice and therefore, rejected the application.

8 The apprehension of the learned trial Court is taken care of by imposing certain condition on the applicant. Hence, the following order.

\ ORDER

(i) Applicant- Vijay Rajendra Patil shall be released on bail in C.R. No. I-173 of 2020 registered with Adgaon Police Station, District-Nashik on his executing P .R. bond in the sum of Rs.25,000/- with one or more sureties in like amount.

(ii) The applicant shall attend the concerned police station thrice in a week i.e. on Monday, Wednesday and Friday in between 11-00 a.m. to 2-00 p.m. till the conclusion of the trial.

(iii) The applicant shall not tamper with the prosecution evidence and shall attend the trial regularly.

(iv) The observations made herein-above are prima-facie in its nature for the purpose of deciding the bail application only. The trial Court shall not be influenced by the observations while deciding the case on merits.

(v) Bail before the trial Court.

(vi) The application is allowed in the aforesaid terms and stands disposed of accordingly.

REKHA
PRAKASH
PATIL

Digitally signed by
REKHA PRAKASH
PATIL

Date: 2021.12.09
12:58:22 +0530

Rekha Patil

(V. G. BISHT, J.)