

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2700 / 2019

Tambi @ Ansan Anthony PolzevhirAppellant

V/s.

The State of Maharashtra and anr.Respondents

* * * *

Ms. Priyanka N. Matlane, Advocate for the appellant.

Mr. Yogesh Dabke, APP for State.

CORAM : SANDEEP K. SHINDE, J.

Monday, 8th February, 2021.

P.C. :

1. Heard learned Counsel for the appellant and learned APP for State.

2. Applicant seeks bail in connection with Crime No.197/2018 registered at Talegaon Dabhade (Rural) Police Station, Pune for the offence punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code and under Sections 4, 25 and 27 of the Arms Act.

3. Complainant reported the incident of assault by deadly weapon on him by the applicant and three others, whereupon the subject offence came to be registered. Applicant was arrested on 17th April, 2018. The investigation in the case is over and the chargesheet has been filed.

4. Co-accused, Anwar who was allegedly holding a Gupti and another co-accused, Papa Bhosale allegedly holding a wooden block have been released on bail by the learned trial Court. I have perused the orders. Mr. Dabke, the learned APP, has produced the Medico Legal Certificate of the injured. It shows three injuries have been found and noted on his person; namely CLW on left parietal region; Minor CLW left hand wrist and lacerated wound on left elbow. The cause of injury noted was by hard and sharp object. The injured was admitted in the Yashwantrao Chavan Memorial Hospital on 15th April, 2018 and discharged on 4th May, 2018.

5. Ms. Matlane, learned Counsel for the applicant has pointed out certain inconsistencies qua identity of the applicant in the FIR and would submit that the injuries noted in the Medico Legal Certificate, prima-

facie, would not attract the offence under Section 307 of the Indian Penal Code. It is further submitted that, applicant is in custody since April, 2018 i.e. nearly for more than 2 ½ years and since the trial is not likely to commence in the near future, he may be released on bail by imposing conditions so as to secure the presence for the trial.

6. In view of the facts of the case as stated above, in my view, a case is made out for releasing the applicant on bail and hence the following order :

O R D E R

(i) The applicant arrested in Crime No. No.197/2018 registered at Talegaon Dabhade (Rural) Police Station, Pune, shall be released on bail on executing P.R. bond for the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer twice a month i.e. first and fourth Monday between 11:00 to 1:00 p.m. commencing

from March, 2021 till further orders and co-operate in the investigation.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer within a week of his release from jail.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. The application is accordingly allowed and disposed off.

7. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.