

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

CRIMINAL BAIL APPLICATION NO. 862 OF 2021

Samir @ Botal Karvandya Kale	...Applicant
Versus	
The State of Maharashtra	...Respondent

....

Mr. Atul R. Patil a/w Mr. Tanmay Jadhav, Advocate for the Applicant.

Mr. M.G. Patil, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	18th OCTOBER, 2022.

PER COURT:

1. The applicant is arrested on 12th September, 2019 in connection with C.R. No.646 of 2019 registered with Shirur Police Station for offences under Sections 397, 398 r/w 34 of Indian Penal Code.

2. The case of the prosecution is that on 1st September, 2019 at about 5:15 p.m., the complainant was at home. He heard shouts of his uncle Ankush and found that two persons were trying to snatch the Gold chain from the person of his uncle. One of them was carrying knife. The said person threatened Ankush and stabbed him with knife his abdomen. The other person was assaulting Ankush with stone. The complainant intervened. The accused threatened them. The complainant was assaulted with knife as result of which there was minor abrasion on the hand of the

complainant. The accused tried to run away from the spot but one of them who had suffered injury to his abdomen in the scuffle was apprehended by the police. He was taken to hospital by the police. The said injured accused is the applicant.

3. Approval was sought for invoking the provisions of Maharashtra Control of Organized Crime Act. However, the approval was refused and thereby the provisions of Maharashtra Control of Organized Crime Act were not invoked against the applicant, since there was no material on record to show that the accused were indulging in unlawful activities as members of crime indicate.

4. Learned Advocate for the applicant submitted that although several cases are registered against the applicant, some of them had resulted in acquittal. He has been acquitted in four cases. In other cases he is on bail. He is not concerned in C.R. No.143 of 2013 registered with Faltan Police Station and C.R. No.78 of 2013 registered with Faltan Rural Police Station. The applicant has been undergoing treatment on account for injury to his abdomen. The medical case papers are part of this application.

5. Learned APP submitted that the applicant was apprehended on the spot. He is involved in the crime. He had assaulted injured

with knife. He has criminal antecedents.

6. Cases were registered against applicant upto 2015. The applicant is on bail in other cases. He has been acquitted in some cases. In the scuffle the applicant had suffered severe injury by knife to his abdomen. The medical case papers on record indicate that he has been undergoing treatment in the hospital. He is in custody for three years. Hence, bail can be granted.

ORDER

- i.** Criminal Bail Application No. 862 of 2021 is allowed;
- ii.** The applicant is directed to be released on bail in connection with C.R. No.646 of 2019 registered with Shirur Police Station on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- iii.** The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of eight weeks in lieu of surety.
- iv.** The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- v.** The applicant shall not tamper with the evidence.

vi. The application stands disposed off.

(PRAKASH D. NAIK, J.)