

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

BAIL APPLICATION NO. 665 OF 2022

Vinod Ashok Mishra @ Dawood

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr.Ashish Dubey for the Applicant.

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

Mr. Jagdish Bhople , P.I. from Charkop P.Stn. Present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : 1st APRIL, 2022.

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No. 735 of 2021 for offences under Section 307, 324, 323, 504 r/w. 34 of IPC and Section 37(1) (A) r/w. 135 of Maharashtra Police Act, pending on the file of the Sessions Court, Borivali Division, Dindoshi, Mumbai.

2. Heard Mr. Dubey, learned Counsel for the Applicant and Mr. Yadav, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by

Suraj Kishor Thakur. The Complainant has alleged that on 26.09.2021, the Applicant and co-accused assaulted him and his family members with hockey sticks, bats, kicks and blows. The medical certificate indicates that the Applicant had sustained single injury in the form of CLW of 4cm on the forehead which is grievous in nature. The injuries sustained by the other two injured are blaunt trauma inflicted with a blunt weapon. The records indicate that the Applicant had inflicted a single blow on the Complainant. There is no prima facie material on record to indicate that the assault was with an intention to cause death, or that the Applicant had knowledge that the said injury would cause death. Hence, prima facie the ingredients of Section 307 are not made out.

4. The injuries sustained by the family members of the complainant are in the nature of abrasions. The Applicant is in custody since 30.09.2021. Though the chargesheet is filed, the charge is not yet framed and the trial is not likely to conclude in the immediate future due to large pendency of cases. The Applicant is a permanent resident of Thane. There is no possibility of the Applicant absconding or thwarting the course of justice.

5. Learned Counsel for the Applicant has stated that several crimes have been registered against the Applicant, but most of the cases are

compounded.

6. Considering the above facts and circumstances, the Application is allowed on the following terms and conditions:-

- (i) The Applicant who is facing trial in Sessions Case No.735 of 2021, pending on the file of the Sessions Court, Borivali Division, Dindoshi, Mumbai, is ordered to be released on cash bail in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) for a period of four weeks;
- ii) The Applicant shall within the said period of four weeks furnish Bail Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned Sessions Judge, Dindoshi, Mumbai;
- (iii) The Applicant shall report to the Investigating Officer or Sr. P.I. of Charkop Police Station on the first Monday of every two month until further orders;
- (iv) The Applicant shall attend all the dates before the Trial Court till conclusion of the trial.
- (iv) The Applicant shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;
- (v) The Applicant shall provide his permanent as well as temporary

address, if any, and his contact details;

(vi) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

PRASANNA P
SALGAONKAR
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(ANUJA PRABHUDESSAI, J.)