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

BAIL APPLICATION NO. 707 OF 2020

Mayur Dilip Dimble

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Aniket U. Nikam for the Applicant.

Mr. Ameet A. Palkar, APP for the Respondent -State.

.....

CORAM : V.G.BISHT, J.

RESERVED ON : 13TH DECEMBER, 2021

PRONOUNCED ON : 20TH JANUARY, 2022

PC:-

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 335 of 2019 registered with Dattawadi Police Station, Pune for the offence punishable under Sections 307, 324, 504 of the Indian Penal Code (the IPC), Section 4 (25) of the Arms Act and Section 37 (1) read with 135 of the Maharashtra Police Act.

2. The applicant is son of informant's sister-in-law. On 5th

July, 2019 at about 10.00 pm, the applicant was quarreling with his wife and mother. The informant's husband therefore tried to pacify and persuade the applicant. The prosecution alleges that because of that, the applicant got annoyed, abused and gave a blow of a sickle on the head of informant's husband and caused serious injury. The informant accordingly lodged the First Information Report (FIR).

3. Mr. Nikam, learned Counsel for the applicant, submits that the incident took place at a spur of moment and there was no intention on the part of applicant to attempt to cause the death of injured. Learned counsel also invited my attention to the medical certificate pertaining to injured and would submit that the investigation has already completed. A sickle i.e. alleged weapon of offence has already been seized. In such circumstances, the custody of applicant behind the bars is unwarranted.

4. Mr.Palkar, learned APP, on the other hand, has not disputed the submissions. Learned APP has placed reliance on the medical certificate issued by Deenanath Mangeshkar Hospital and Research Center pertaining to the injured i.e. husband of informant.

5. Perused investigation papers.

6. A bare perusal of FIR would show that on the day of incident when applicant was quarreling with his wife and mother, husband of informant tried to intervene and persuade the applicant and because of that, applicant got annoyed and in a fit of rage, not only abused the husband of informant but also assaulted on his head by means of a sickle.

7. I have also gone through the medical certificate pertaining to the injured which clearly shows that there were fractures of right parietal bone. However, the injured was discharged on 20th July, 2019. Although, there are statements of witnesses including the injured which corroborate the

prosecution theory but circumstances of the case must be kept in mind.

8. Apparently, the incident in question took place out of sudden provocation inasmuch as the applicant was already quarreling with his wife and mother and when the injured tried to intervene and persuade him. The applicant lost his control and gave a blow of a sickle on the head of injured. The recovery of sickle is also duly effected. Investigation is over. No criminal antecedents are forthcoming.

9. Having regard to the relationship between the parties and as also the material on record, in my considered view, the custody of applicant is totally unwarranted. In such circumstance, he deserves to be enlarged on bail. Hence, the following order :

ORDER

(i) Applicant- Mayur Dilip Dimble shall be released on bail in C.R. No. 335 of 2019 registered with Dattawadi Police Station, Pune on his executing

P.R. Bond in the sum of Rs. 20,000/- with one or two surety/ sureties in like amount.

(ii) The applicant shall not tamper with prosecution evidence.

(iii) The applicant shall attend the trial Court proceedings regularly.

(iv) Bail before the trial Court.

(v) It is made clear that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.

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

(V.G.BISHT, J.)