

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

BAIL APPLICATION NO. 1072 OF 2021

VAISHALI
ANIL
TIKAM

Sachin Sopan Supekar
versus

...Applicant

Digitally signed
by VAISHALI
ANIL TIKAM

The State of Maharashtra

... Respondent

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Dr. Nilesh Pawaskar i/b. Sudha Dwivedi for Applicant
Mr. P.H. Gaikwad, APP for the State/Respondent

**CORAM: SARANG V. KOTWAL, J.
DATE : 24th JANUARY, 2022
(Through Video
Conferencing)**

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R. No. 393 of 2020 dated 27th October, 2020 registered at Versova Police Station, Mumbai under section 307 of Indian Penal Code read with Section 37(1) and Section 135 of Mumbai Police Act.

2. Heard Dr. Nilesh Pawaskar, learned counsel for the Applicant and Mr. P.H. Gaikwad, learned APP for the State.

3. The FIR is lodged by father of the injured Mitesh Lalu. The allegations are that the Applicant assaulted the victim Mitesh with a knife. Mitesh's statement was recorded on 26th October, 2021. He has stated that the incident occurred on 25th October, 2022 at about 1.30 pm. The Applicant was residing in a neighbouring room. There used to be some disputes regarding parking of their motorcycles. At the time of the incident, Mitesh was washing his two wheeler. At that time, the Applicant came there. There was a quarrel between them regarding parking of their two wheelers. The Applicant slapped Mitesh. Mitesh pushed him. The Applicant fell down with his motorcycle. He got angry. He went to his house, came with a knife and gave blows on left side of Mitesh's stomach and right side of the neck. The other neighbours came there and Mitesh was taken to the hospital for treatment. On this basis, the FIR came to be lodged by the father of the victim Mitesh.

4. Learned counsel for the Applicant submitted that the incident had occurred on a spur of the moment. There was no preparation or any intention to commit murder and, therefore, section 307 of IPC is not attracted. The investigation is over and the charge-sheet is already filed. The Applicant's family is not residing in that area anymore.

5. Learned APP opposed the application on the basis of the charge-sheet.

6. I have perused the charge-sheet. The charge-sheet contains statements of eye witnesses viz. Sanjay Bhimji Lalu, who was the brother of the victim, Santosh Makwana, a neighbour, Chetan Pawar, who was the brother-in-law of the victim, Meenakshi Lalu, mother of the victim. The eye witnesses i.e. Santosh Makwana and Chetan Pawar have stated that a quarrel was going on between the Applicant and the victim and in that quarrel the Applicant gave blows of knife.

7. Apart from the statements of the eye witnesses, there was a statement of the applicant, pursuant to which the knife was recovered at his instance.

8. The injury certificate shows that Mitesh had suffered stab injury with dimensions of 15cm x 6cm x 6 cm on left lumbar & *iliac* region. This injury was described as grievous injury. The other injury was CLW with dimensions of 4 x 2 x 2 cm on left side of the back was described as simple injury. Hence, there was only one serious injury caused to the victim. Though the applicant had opportunity, he did not inflict more blows. The other injury caused to the victim was simple in nature. The Informant has survived. The investigation is already over. The Applicant and his family are not staying in that locality.

7. In this view of the matter, further custody of the Applicant will not be necessary. He can be granted bail.

8. Hence, the following order:

ORDER

- (i) Bail Application No. 1072 of 2021 is allowed.
- (ii) In connection with C.R. No. 393 of 2020, registered with Versova Police Station, Mumbai the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (iii) The Applicant shall not cause harassment in any manner to the victim or his family members.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)