

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.923 OF 2022

Manojkumar Jeetlal Vishwakarma .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Anand Awsarmol for the applicant.
Mr. S.H.Yadav, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 11th AUGUST 2022

P.C:-

1 The present applicant is facing charge u/s.323, 326, 307, 143, 144, 147, 148, 149, 504 r/w Section 34 of IPC. Along with him, his father and his younger brother are also arraigned as accused and it is informed that they are already released on bail.

2 The complainant is the sister of the applicant's wife Smt Miradevi, who is residing in the same locality where the applicant was residing separately with his wife. She approached the police station on 7/12/2021, reporting about an incident which took place on the very same day, and as per her narration, since the in-laws of her sister were not happy with she residing separately with their son, an incident took place on 6/12/2021. It

is alleged that the mother of the applicant abused her son Suraj and a quibble took place between them.

3 In order to carry further the said incident, it is alleged that on 7/12/2021 at 9.30 am, the present applicant, his son and father-in-law started abusing her. The applicant is stated to have been armed with a bamboo and when politely he was requested not to indulge in unpleasant acts, he assaulted the complainant on her arm, back and left side of the head. When her children intervened, Suraj, Rahul, Rohit and Ravi were also assaulted with the bamboo which he was carrying, and even her daughter-in-law Chandni also received an injury on her head on account of the assault mounted by the applicant. The injured persons were taken to the hospital and injury certificates were issued. The applicant came to be arrested on the very date of the incident.

4 On completion of investigation, charge-sheet has been filed and apart from compiling the statements of various witnesses, the injury certificates are also placed on record.

As far as the complainant is concerned, she has sustained four simple injuries, one of them being a lacerated wound on left temporal region, whereas the other two injuries are contusion on the back and one abrasion on the wrist. Rohit has sustained one contused lacerated wound on the index finger and Chandni has also sustained CLW over left parietal region which is also described as 'simple' injury. Ravi is reported to have abrasion

on cheek, hand and elbow, whereas Suraj sustained one CLW over right temporal region and one abrasion and contusion. Rahul has also sustained one CLW over left parietal region which is simple injury.

On completion of investigation, the entire material against the present applicant is compiled in the charge-sheet and the applicant shall take the consequences of the accusations faced by him. On specific query whether the applicant has any antecedents, it is stated that he has no criminal record. The applicant is incarcerated since 7/12/2021, and looking to the nature of the injuries sustained by the injured, since the entire material is sufficient to sustain a conviction under the charge, which the applicant is facing, is already compiled in the charge-sheet, he deserve his release on bail awaiting trial. Hence, the following order :-

ORDER

- (a) The Applicant - Manojkumar Jeetlal Vishwakarma in connection with C.R.No. 454/2021 registered with Kalwa Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.

- (c) The Applicant shall mark attendance in the police station on first Monday of every trimester till framing of charge.
- (d) The applicant shall, in no way indulge with the complainant and prosecution witnesses, and any single complaint lodged by the complainant or her family member about any untoward incident or any attempt to pressurize the witnesses shall permit the prosecution to seek cancellation of his bail.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)