

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1080 OF 2022

Dattatraya Maruti Takmoge

Applicant

versus

The State of Maharashtra

Respondent

Mr.Dhananjay K. Chavan, Advocate for applicant.

Mr.M.G.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th October 2022

PC :

1. This is an application for bail in C.R No.1026 of 2021 registered with Mohol Police Station for offence u/s.307 of Indian Penal Code. The applicant was arrested on 16th November 2021. The FIR was registered by brother of injured on 15th November 2021. It was alleged that first informant received information that brother is being assaulted and that he has suffered injuries. The injured was taken to hospital for treatment. Statement of injured was recorded for the first time u/s.164 of Cr.PC on 30th December 2021. In the said statement it is mentioned that accused was armed with Sattur and he came from behind suddenly and gave blow on his head and when he turned back, the blow hit on his ear and cheek. He suffered injuries. He was admitted. The prosecution is relying upon medical certificate issued by hospital. Investigation is completed and charge sheet is filed.

2. Learned counsel for applicant submitted that applicant is in custody since 16th November 2021. He has no criminal antecedents.

The nature of injuries indicate that they were not grievous. The discharge certificate obtained by the applicant from private hospital Sparsh Hospital indicate that injured was discharged from hospital on 18th November 2022 and the mode of discharge was normal.

3. Learned APP submitted that offence is of serious nature. Intention of applicant was clear. The victim was assaulted by Sattur. Injuries were reflected on vital parts of body. The medico-legal certificate shows four injuries viz. CLW below right ear 4cm x 2cm x 3 cm; CLW over occipital region 3cm x 0.5cm; CLW over right ear; CLW over right thumb 3cm x 1 cm. Such person should not be granted bail.

4. The applicant is in custody for substantial period of time. It is not clear as to why statement of injured was recorded belatedly on 30th December 2021 although alleged incident had occurred on 15th November 2021, there is no explanation for belatedly recording the statement. On the contrary, documents brought by the advocate for applicant shows the discharge card of injured. Considering the facts of case, further detention of applicant is not required.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with C.R No.1026 of 2021 registered with Mohol Police Station, District Solapur, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for eight weeks;

(iv) The applicant shall report Mohol Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;

(v) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST