

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

CRIMINAL BAIL APPLICATION NO.1602 OF 2021

Arvind Krupa Devendra Applicant

versus

State of Maharashtra Respondent

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- Mr.Rahul Arote, Advocate for Applicant.
- Smt. A. A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th FEBRUARY, 2022

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.382/2020, dated 13/11/2020, registered with Juhu Police Station, Mumbai, under sections 307, 326, 504 r/w 34 of the Indian Penal Code and under section 37 and 135 of Maharashtra Police Act.

2. The Applicant was arrested on 17/11/2020 and since then he is in custody. The investigation is over and the charge-sheet is filed.

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3. Heard Mr.Rahul Arote, learned counsel for the Applicant and Smt. A. A. Takalkar, learned APP for the State.
4. The FIR is lodged by one Vijay Devendra. He has narrated the incident dated 12/11/2020. In the night the informant and others heard noise of causing damage to the property. He saw that the present Applicant and 3 to 4 others were there. They were drunk, were breaking bottles and were abusing the informant and others. When neighbours started shouting they left the place. However, they came there again at 04.45 a.m. The Applicant and others were allegedly carrying weapons. The accused Gorkhi gave a blow of sword on the informant's shoulder. Murgan was assaulted by a sword on his right hand. It is alleged that he lost his two fingers. Kartik assaulted Rajan with fists. It is alleged that the Applicant gave blow of sword on Murgan's shoulder. After some time, they left from the spot and on this basis, the FIR is lodged.
5. Learned counsel for the Applicant submitted that there is no specific role of assault or causing grievous injuries is

attributed to the Applicant. The Applicant is in custody for a long period. The investigation is already over.

6. Learned APP opposed the application. She relied on the statement of the first informant as well as witness Laxmi Devendra, Rajan Devendra, Murgan Devendra, Prem Arun Raj etc. Their statements are more or less consistent. She submitted that there are six antecedents against the present Applicant.

7. I have considered these submissions. The injured Murugan had suffered only injury as mentioned in the injury certificate on his right left hand, which is described as a grievous injury. There is no injury on his shoulder as alleged in FIR. The other injured Vijay had suffered abrasions which are simple injuries. Therefore the Applicant has not caused any grievous injury. In fact, the role attributed to the Applicant is not supported by the medical evidence. Therefore evidence against the Applicant is weak. Though there are six antecedents against the Applicant, bail cannot be denied to him in this case, in view

of nature of weak evidence against him. However, some conditions will have to be imposed on his to keep check on his activities.

8. Hence, the following order :

ORDER

- (i) In connection with C.R.No.382/2020, dated 13/11/2020, registered with Juhu 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.
- (ii) The Applicant shall attend the concerned police station once a week for a period of one year from today.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)