

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1398 OF 2022

Sudarshan Omprakash Sharma] ... Applicant

Vs.

The State of Maharashtra & Anr.] ... Respondents

...

Mr. Ashok Mishra with Mr. Shubham Mishra for the applicant.

Mr. S.V. Gavand, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 14TH JUNE, 2022.

P.C.:-

1. The applicant along with three other accused persons is charge-sheeted for the offences punishable under Sections 307, 504 read with Section 34 of the IPC and Section 37(1) of the Maharashtra Police Act. The charge-sheet filed in C.R. No.838 of 2021 registered with Oshiwara Police Station accused the four persons of attempting to murder one Karan Bagadi, the son of the complainant and the charge-sheet alleges that on 14/12/2021 at around 20.30 hours, the applicant along with his juvenile

accomplices, assaulted the victim boy in order to revenge the previous enmity and by means of a knife having blade of 5' to 6', he was stabbed in his stomach and thigh.

2. The applicant was arrested on 15/12/2021 and, during investigation, the knife used as a weapon, was recovered from him by a discovery panchanama under Section 27 of the Indian Evidence Act. The injury certificate of the victim records penetrating stab wounds in the chest and a puncture wound on the left thigh.

3. Learned counsel for the applicant has invited my attention to the version of the victim through his statement recorded on 30/12/2021, where he has attributed a role to the applicant of asking Gaurav, the co-accused, to assault him. The victim has narrated that at that time, the co-accused Jatin hit him with a bat and co-accused Neeraj caught hold of him and assaulted by hands. He specifically states that Gaurav stabbed him in his ribs by means of a knife in his hand and, thereafter, all the accused persons ran away from the spot.

4. The version of the victim is supported by medical certificate and, in any case, it is not the prosecution case that the present applicant had actually assaulted the victim and he is alleged to have only told the co-accused to assault him. The investigation is complete and the charge-sheet is now filed and

even the knife has also been recovered.

5. It is informed that the other co-accused are released on bail since they are juvenile. As far as the present applicant is concerned, he is aged 19 years and remains incarcerated since 15/12/2021.

6. Taking into consideration the nature of the accusations faced by him in the charge-sheet, the applicant deserves to be released on bail, however, subject to the stipulation that he shall not set his foot in Haryana Basti, Anand Nagar, Jogeshwari (West), Mumbai, till the conclusion of trial. Hence the following order:

ORDER

- (a) The applicant – **Sudarshan Omprakash Sharma** shall be released on bail in C.R. No.838 of 2021 registered with Oshiwara Police Station, District Mumbai on executing P.R. bond to the extent of Rs.25,000/- and furnishing 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 and shall not

tamper with prosecution evidence.

- (c) The applicant shall not set his foot in Haryana Basti, Anand Nagar, Jogeshwari (West), Mumbai till conclusion of the trial.

7. The application is allowed in the aforestated terms.

8. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]