

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1522 OF 2022

Raju Rando Jamuda .. Applicant
Versus
The State of Maharashtra .. Respondent

...

Mr. Anand Upadhyay for the Applicant.
Ms. P.N. Dabholkar, A.P.P. for the State/Respondent.

...

CORAM: BHARATI DANGRE, J.
DATED : 23rd AUGUST, 2022

P.C:-

1. The applicant is charged for the offences punishable under section 307, 504, 506 of the IPC along with section 37 (1), 135 of Maharashtra Police Act. He came to be arrested on 18-05-2021, in connection with the CR which was registered by Chembur Police Station, on the very same day. On the complaint filed by one Rudra Mudiya Bag.

2. On completion of investigation, the charge-sheet has been filed. With the able assistance of the learned counsel for the applicant and learned APP, I have perused the charge-sheet, which would reveal, that on 17/05/2021, when the applicant along with other witnesses was playing cards, he lost the game, he was irked and abused Rudra and Bilam and threatened them.

While the complainant and his friends were chatting with each other, it is alleged that the applicant assaulted them by means of knife, in his hand and caused injuries to Rudra as well

as Bilam Bag.

3. The incident resulted in invoking section 307,504 and 506 of IPC. During the course of investigation, the medical certificates, of both the injured have been collected and compiled in the charge-sheet. As far as Rudra Bag is concerned, he has sustained the following injuries:-

1. *Contused Lacerated wound over neck Anterior aspect 10 cm x 2 cm muscle deep exposing tracheal fascia*
2. *Contused lacerated wound L upper Arm 4 cm x 1 cm x 1 cm*
3. *Contused lacerated wound near the sternal notch. 6 cm x 1cm x 5 cm*

Bilam sustained the following injuries:-

1. *Contused lacerated wound over L ear 4 cm x 2cm x 5cm subcutaneous deep*
2. *Contused lacerated wound 10 cm x 4 cm x muscle deep*
3. *Contused lacerated wound L Arm, 4 cm x 2 cm x 5 cm subcutaneous deep*

4. Apart from the medical certificate, the statement of the treating doctor, Dr. Gautam Nadkarni is also recorded and compiled in the charge-sheet. The Doctor has specifically stated, that both the injured were brought to his hospital and were under his treatment from 17/05/2021 to 21/05/2021. Considering the nature of injuries sustained by them, and both of them were discharged on 21/05/2021.

5. On completion of investigation the charge-sheet, has been filed. The entire material against the applicant, is compiled in the charge-sheet, and he would definitely be required to take the consequences of the accusations faced by him in attempting murder of the complainant, and the other injured. There are eye witnesses, whose statements are recorded, which form part in charge-sheet. There is also recovery of the knife at his instance being recorded, by drawing a memorandum panchnama under section 27 of IPC.

6. Looking to the nature of the accusations and injury sustained, though the applicant may stand the trial for the accusations, at present in absence of any antecedents being attributed to him, he cannot be further detained pending his trial, and the bail cannot be refused to him, as detention during the trial cannot be said to be punitive. He therefore deserve his release subject to the condition, that he shall make himself available for trial, and in any way he shall not interfere with the prosecution case.

7. The learned counsel for the applicant categorically state, that he shall continue to reside in Mumbai and he shall remove himself from the area where the injured are staying.

Hence following order:

: **ORDER** :

- (a) Application is allowed.
- (b) Applicant - Raju Rando Jamuda shall be released on bail in connection with C.R.No.295 of 2021, registered

with Chembur Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.

The applicant shall be released on cash bail for a period of 4 weeks.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(d) The applicant shall mark his attendance to the concerned police station on every Saturday of the month between 10:00 am to 12:00 noon till framing of the charge and thereafter as and when required by the Investigating Officer.

(e) On his release on bail, the applicant shall report to the Investigating Officer, and furnish his address, where he is likely to reside, and shall also render his contact number.

(f) The applicant shall reside in a area, distinct and away from that area, where the injured persons are residing.

(SMT. BHARATI DANGRE, J.)