

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1584 OF 2022

Jayaram s/o Paranu Maaji .. Applicant
Versus
The State of Maharashtra .. Respondent
...
Mr. Ranjeet Jadhav for the Applicant.
Mr. S.V. Gavand, A.P.P. for the State/Respondent.

...

CORAM: BHARATI DANGRE, J.
DATED : 14th SEPTEMBER, 2022

P.C:-

1. The applicant is charged for the offences punishable under sections 307, 506, 427 of IPC, and he came to be arrested on 26/07/2021.

The offence under section 307 came to be invoked on a complaint filed by one Ashafaq Mubarak Sayyad, who reported of an incident, which took place on 25/07/2021, near Uran Phata Apollo Hospital, while he was enroute to Ulwe. It is stated that, he was driving his Ertiga car, and the other occupants of his car were his father, mother, uncle, aunt, sister and some other family members being 8 in number and while he was stranded at the signal, a Bulker truck being driven by the applicant, surpassed him. Upon that, his

uncle got down from the car and questioned the Truck Driver. A quibble ensued between them and they started proceeding towards Ulwe. It was noticed that the truck was chasing them and while he was on the slop of railway over bridge, C.B.D Belapur, the truck driver is alleged to have hit him from behind as a result of which the vehicle turned turtled and serious injuries were caused to its occupants.

2. The panchnama reveal that the car had sustained damage on its bumper and bonnet and its glass panes had shattered. The injured were taken to the hospital and the injury certificate reveal that Eshan Shaikh (uncle) of the complainant has sustained fracture of left femur, whereas Mrs. Shabana Sayyed sustained a CLW on forehead (1x1 cm). There is also a certificate of Mrs. Nazeema Shaikh but the injury is described as headache.

3. On the investigation being complete and the material being complied in the charge-sheet, the applicant need not be further incarcerated. Pertinent to note that the prosecution has chosen to invoke section 307 of IPC, which prescribe the punishment for attempt to murder and it contemplate that whoever does any act with an intention or knowledge and under such circumstances that if by that act cause death, he would be guilty of murder.

4. In the present case, the circumstances including the statement

of the independent witness would reveal that a quibble ensued between the complainant and the applicant, and with an intention to teach him a lesson, the applicant dashed the car intending to have caused the damage. In any case the car sustained damage but the occupants did not sustained any major injury, which would in ordinary course sufficient to have resulted in death. Prosecution has chosen to invoke section 307 of IPC, and therefore it will necessarily have to establish the intention and the knowledge to cause death. Prima facie considering the nature of the injury sustained, the applicant deserve his release on bail.

5. Needless to state that the observations made above are, *prima facie*, in nature and limited to the extent of adjudication of the present application and the learned Judge trying the applicant for the offences with which he is charged, shall not get influenced by the above observations in any manner.

6. Hence the following order:

: ORDER :

- (a) Application is allowed.
- (b) Applicant - Jayaram s/o Paranu Maaji shall be released on bail in connection with C.R.No.144/2021 registered with C.B.D. Belapur on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall mark his attendance before the

concerned police station once in three months.

(d) 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.

(e) On being released on bail, the applicant shall give his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(SMT. BHARATI DANGRE, J.)