

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

BAIL APPLICATION NO. 1764 OF 2022

Ganesh D. Bodke

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Aniket Nikam i/b. Amit Icham a/w. Mr. Vivek Arote, Piyush Toshnimal, Ashish Satpute for the Applicant.

Mrs. G.P.Mulekar, APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : 26th AUGUST, 2022.

P.C.

1. This is an application for bail filed under Section 439 Cr.P.C. by the aforesaid applicant, who has been arrested in C.R.No. 345 of 2021 registered at Malegaon Chhavani Police Station, Nashik for the offence under Section 307 of IPC.

2. Heard Mr. Nikam, learned Counsel for the Applicant and Mrs. Mulekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Sandip Deore. The Complainant had reported that on 29.10.2021 at about 9.20 p.m. the Applicant herein had inflicted injury on the neck of Sachin Deore by means of a cutter. Statement of the injured reveals that the Applicant suspected that he was having illicit relationship with his mother. It is stated that on 29.10.2021 at about 8.30 p.m. the Applicant removed a cutter from his pant pocket and inflicted an injury on his neck and back. The statement of Mangalabai Bodke, mother of the Applicant also prima facie reveals that she was having illicit relationship with the injured and that the Applicant did not approve the same.

4. The material on record prima facie reveals that the Applicant did not approve of illicit relationship between his mother and the injured. Irked by this relationship, the Applicant inflicted injury on Sachin Deore. The medical report indicates that the injured was treated in Civil Hospital on 29.10.2021 and that he was shifted to Vasasntao Pawar Medical Hospital on 30.10.2021 and discharged on 1.11.2021.

The injured had CLW on the right side of neck and chest. The doctor has certified these injuries as grievous hurt. The medical report does not indicate that the injury was likely to endanger life or that it was covered by any other clause of Section 320 of IPC. Furthermore, considering the nature of the injury and other surrounding circumstances, prima facie, it cannot be said that the Applicant intended to cause death of the injured Sachin. Considering the above facts and circumstances, particularly the nature of accusation and the material in support thereof, in my considered view, this could be a fit case for grant of bail. Hence the order:-

- (i) The application is allowed;
- (ii) The applicant who has been arrested in C.R.No. 345 of 2021 dated 30.10.2021 registered Malegaon Chhavani Police Station, Nashik, is ordered to be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount;
- (iii) The applicant shall not interfere with the complainant or the

other witnesses, or tamper with the evidence in any manner;

(iv) The Applicant shall report to Malegaon Chhavani Police Station on the first day of every month till filing of the chargesheet.

(v) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer and in the bail bond;

(vi) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)