

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

**BAIL APPLICATION NO.2294 OF 2021
WITH
INTERIM APPLICATION NO.2505 OF 2021
IN
BAIL APPLICATION NO.2294 OF 2021**

Krishna Kommana Boina

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Keshav S. Chavan for the Applicant.

Ms Rutuja Ambekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 16th MARCH, 2022.

P.C.:-

1. By this application filed under Section 439 of the Cr.P.C., the Applicant has sought pre-arrest bail apprehending his arrest in Crime No.136 of 2020 registered with Chembur Police Station, Mumbai, for the offences punishable under Sections 279, 307, 324, 427, 504 and 506(2) r/w. 34 of the IPC and Section 37(1) (a) r/w. 142 of Maharashtra Police Act.

2. Heard Mr. Keshav Chavan, learned counsel for the Applicant

and Ms Rutuja Ambekar, learned APP for the Respondent-State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. Crime was registered pursuant to the complaint of injured Akshay Popat Mohite. The FIR reveals that on 05/05/2020 scooters of injured Akshay and Pappu, which were parked near Saibaba Temple were found fallen and were damaged. He was informed that the Applicant had dashed against the said scooters. The injured demanded money from the Applicant, which resulted in altercation and scuffle. It is stated that on the same evening at about 7.30 p.m. the Applicant and his family members came to the place where the injured and his family members were standing. The Applicant threatened him and stabbed him with a knife.

4. The medical report indicates that the injured had sustained penetrative incised stab wound measuring 6 x 2 x 0.5 cm and the injury was caused by a sharp weapon and grievous in nature. The medical report further reveals that chest x-ray was taken and left side ICD in Sity Y Pelvis is normal and USG(F) was normal. The Applicant had inflicted a single blow. The depth of injury does not indicate that the blow was

forceful, which fact prima facie suggests that the Applicant did not intend causing death.

5. The Applicant is in custody since the last two years. It is stated that the charge is not yet framed. There is no possibility of the trial concluding in the immediate future. In the light of the above, the Applicant is entitled for bail. The Applicant is a permanent resident of Mumbai and there are no chances of the Applicant absconding or thwarting the course of justice.

6. Under the circumstances, the application is allowed on following terms and conditions:-

(i) The Applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs.30,000/-with one or two sureties in the like amount.

(ii) The Applicant shall report to Chembur Police Station, Mumbai, once in two months on 1st Saturday between 11.00 a.m. to 1.00 p.m. until further order;

(iii) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or

change of residence or mobile details, if any, from time to time.

(iv) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. Bail application stands disposed of in above terms. In view of disposal of the bail application, interim application does not survive and hence stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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