

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2693 OF 2021

Chandrashekhar Shantaram Shigwan

@ Baban

.. Applicant

Versus

The State of Maharashtra

.. Respondent

...

Mr.Rakesh Jadhav for the applicant.

Smt.S.S. Kaushik, APP for the State.

API Shri Amol Kadam from Trombay police station.

CORAM: BHARATI DANGRE, J.

DATED : 28th FEBRUARY, 2022

P.C:-

1 Heard learned counsel for the applicant who is opposed by the learned APP in his Application seeking release on bail.

 The applicant is charge-sheeted in C.R.No. 332/2019 registered with Trombay police station on 27th February 2019 for an offence punishable under Section 397 of the IPC and section 37(1)(A), 135 of the Maharashtra Police Act.

 The complainant is one Amit Mohite who lodged a report on 26th October 2019 in the concerned police station, stating that he became acquainted with the present applicant known as Baban at the Tadi Madi Vikre Kendra, Khar, and he

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met him on 25th October 2019 and also on 26th October 2019 in the afternoon of the said day, he state that the applicant offered him the drink and asked him to accompany him to meet one of his friend and on his instructions, the complainant followed and they reached Mankhurd railway station. From there, they proceeded to one creek and they kept waiting there on the pretext that the friend to whom he was supposed to him, had gone for fishing. At around 4.45 p.m, it is alleged that the applicant made an attempt to snatch the gold chain worn by him and when he resisted, he took out a knife and assaulted on his neck. In an attempt to avoid the said attack, he sustained an injury on his right wrist and the knife fell down and thereupon, the applicant ran away with the chain. This resulted in registration of the FIR and on investigation being carried out, the charge-sheet had been filed.

Recovery of the knife is attributed to the applicant under the Memorandum Panchnama dated 9th November 2019 pursuant to his arrest on 1st November 2019. The injury certificate of the complainant is placed on record which refer to 7 injuries which are simple in nature, though in form of CLW over right cheek and left mandible. The contused lacerated wound of 12 x 3 x 2 c.m in the middle of the neck, the two healing injuries on the index finger are also described in the injury report dated 26th October 2019.

2 Considering the categorization of the injuries described in the medical certificate as 'simple injuries', the prosecution has rest its case on Section 397, which prescribe a punishment for not less than 7 years on being satisfied that the incident was an act of robbery with the use of deadly weapon, causing grievous hurt.

3 Appreciating the material contained in the charge-sheet, as it stands on today, the applicant is in custody since 1/11/2019 and on completion of investigation, charge-sheet is filed. It is informed that the charge is yet to be framed.

Counsel for the applicant state that he has no criminal antecedents to his credit and this statement is not disputed by the learned APP.

4 In the wake of the above, the applicant, who, in any case, on conviction, would suffer a punishment upto 7 years, in my considered opinion, is entitled to be released on bail. Hence, the following order :-

ORDER

- (a) Applicant Chandrashekhar Shantaram Shigwan @ Baban in connection of C.R.No.332/2019 registered with Trombay Police stn shall be released on bail on

furnishing P.R. bond to the extent of Rs.25,000/- with 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 so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall mark his presence in the Trombay ps on 1st Thursday of every month any time between 10.00 am to 2.00 p.m.

5 The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J