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

BAIL APPLICATION NO. 2772 OF 2021

Ramesh alias Gotya Rayappa Koli .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Priyal G. Sarda, Advocate, for the Applicant
Mr. R. M. Pethe, APP, for the Respondent – State

CORAM : VINAY JOSHI, J.

DATE : 04.05.2022

P. C.

. The applicant is seeking for regular bail in connection with C. R. No. 1103 of 2020 registered with the Faraaskhana Police station, Pune for the offences punishable under Sections 307, 326, 504, 506 r/w 34 of the Indian penal Code.

2. While claiming bail, it is contended that the applicant has not used any dangerous weapon in alleged occurrence. It is pointed out that the applicant gave a blow by wooden plank at the hand of injured, who was discharged on the following day.

3. The State opposed bail by pointing towards seriousness of accusation and antecedents.

4. It is the prosecution case that there was a quarrel in between informant, applicant and co-accused – Prashant. At the time of occurrence, the applicant picked up a wooden plank lying on the spot and hit twice at the left hand of the informant. In fact, the applicant tried to hit at the head of the informant, however, as the informant waived his head, blow was at hand. It is apparent that the applicant was not carrying any weapon at the time of occurrence. The wooden plank was picked up from the spot meaning thereby there may not intention to commit murder. The Injury Certificate shows only one fracture injury at the hand of injured who was discharged on the following day. Investigation is complete and charge-sheet has been filed.

5. True, there are two prior offences registered under the Indian Penal Code in recent past. Considering the list of antecedents certain stringent conditions can be imposed. In view of that, the following order.

ORDER

- (i) The Application is allowed;
- (ii) The applicant namely - Ramesh alias Gotya Rayappa Koli in C. R. No. 1103 of 2020 registered with the Faraaskhana Police station, Pune for the offences punishable under Sections 307, 326, 504, 506 r/w 34 of the Indian penal Code, be released on interim bail on his furnishing P. R. Bond of Rs. 25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not enter within the territorial limits of Pune Municipal Corporation till the conclusion of trial except for attending the Court proceedings;
- (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

6. The Application is disposed of.

(VINAY JOSHI, J.)