

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2446 OF 2022

Pankaj Deepak Kukreja .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. R.D. Suryawanshi for the applicant.
Ms.Veera Shinde, APP for the State.
Mr.Suraj Naik for the intervenor.

CORAM: BHARATI DANGRE, J.
DATED : 7th SEPTEMBER 2022

P.C:-

1 The applicant is facing charge u/s.307, 323, 326, 504 read with Section 34 IPC along with Section 37(1) and 135 of the Maharashtra Police Act. He came to be arrested on 27/12/2021 and since then, he is behind bar.

2 The case of the prosecution is that on 26/12/2021, at around 00.30 hours, when the complainant along with his friends were chatting in front of one building, Vijay Rupani and the present applicant arrived on a motorcycle and attempted to take away the two wheeler motorcycle of the informant and when he raised an objection, it is alleged that the duo abused them. A

scuffle took place between the accused persons and the present informant and it is alleged that Vijay caught hold of him and Pankaj i.e. present applicant gave two blows by a button operated knife, which he was holding and these blows landed on the abdomen causing serious injuries. It is alleged that the assailants ran away from the spot.

3 Statement of the complainant is recorded where he specifically attribute a specific role to the present applicant. The injury certificate from Shivneri Hospital reveal one stab (penetrating wound) over left upper abdomen and stab injury over left lower abdomen.

The C.T.Scan reveal internal bleeding and he was advised to undergo surgery.

Considering that the incident took place at the spur of the moment, but the injuries which are sustained by the complainant, being grievous in nature, and would have proved to be fatal, offence u/s.307 of IPC has been invoked.

4 It is informed by the learned counsel Mr.Suryawanshi that a Criminal Writ Petition for quashing of the FIR is filed before this Court by the two applicants and a specific statement is made that during the pendency of the investigation, a settlement has been arrived between the petitioners and the complainant and they have decided to settle the dispute.

Copy of the Writ Petition is annexed along with the present application.

5 Subject to the outcome of the writ petition which is being filed, seeking quashment of the subject FIR, considering the nature of the accusations faced by the applicant in the charge-sheet and since the investigation is now complete, the applicant who is a young boy aged 21 years, deserve to be released on bail. Hence, the following order :-

ORDER

- (a) The Applicant – Pankaj Deepak Kureja in connection with C.R.No.I-355/2021 registered with Hill Line Police Station 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. The Applicant should not tamper with evidence.
- (c) The Applicant shall make himself available as and when required by the Investigating Officer.

(d) The applicant shall provide his current address, telephone number, place of residence and intimate about the change if any, to the concerned Investigating Officer.

The Application is allowed in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)