

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.16 OF 2022

Balaram Janu Gole .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Chaitanya Chavan with Mr.B.N. Jadhav for the Applicant.
Ms.Anamika Malhotra, A.P.P. for the State/Respondent.
PC 1339, Amit Dubala attached to Kulgaon Police Station,
present.

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CORAM: BHARATI DANGRE, J.
DATED : 23rd SEPTEMBER, 2022

P.C:-

1. The applicant came to be arrested on 04/09/2020 in C.R.No.123 of 2020, registered against him, which invoke Sections 307, 326, 452, 504, 506 of IPC and Sections 4 and 25 of the Indian Arms Act.

He has taken out the application for seeking his release on bail on the ground that on the investigation being complete, charge-sheet has been filed and till date, even charge has not been framed.

2. The case of the prosecution which can be ascertained from the charge-sheet is, one Savita Bhaudas Gole, who was

admitted in Matrix Hospital, gave a statement that on 03/09/2020, at around 8.00 p.m., she had served food to her son Shyam and she was talking on phone with her relative. At that time, accused/applicant, who is her brother-in-law, came from behind and assaulted her by a sharp weapon. Her son, Shyam was also assaulted. It is alleged that the applicant was abusive and in the complaint, she narrate that she sustained injuries on neck, left hand and even her son sustained injuries.

The injury certificate of Savita, which is issued by Matrix Multispeciality Hospital dated 15/09/2020, is compiled in the charge-sheet. It refer to CLW over occipital region about 9 x 5 cm and fracture of left ulna. It was described as grievous injury.

3. On the last date of hearing, learned A.P.P. was asked to produce the certificate from Rural Hospital, Badlapur, since it is surfaced from the statement of Shyam Gole that, first they were taken to the Rural Hospital, Badlapur and offered treatment.

Today, the learned A.P.P. has produced on record the injury certificate from the Rural Hospital and Mrs.Sangita Gole is stated to have sustained the following injuries :-

- (1) Incised wound over posterior aspect left arm oblique in size 7/8(not legible)x 4 x 3 cm-active bleeding;
- (2) Incised wound over right parietal region 3 x 1 x 1 cm, bone deep at scalp – active bleeding;
- (3) Incised wound left forearm oblique 3 x 0.2 x 0.2 c.m. swelling.

As far as her son Shyam is concerned, he has sustained an incised wound on his left wrist, which is described as simple injury and his injury certificate is already placed on record at page 101 of the paper-book.

4. Considering that the investigation is now over and the entire material against the present applicant is compiled in the charge-sheet, he deserves his release on bail, subject to the stipulation that he shall not, in any way, threaten the complainant or her son and any complaint/N.C. lodged by them, would result in cancellation of bail granted to the applicant.

Hence, the following order.

: **ORDER** :

- (a) Application is allowed.
- (b) Applicant -Balaram Janu Gole shall be released on bail in connection with C.R.No.I-123 of 2020 registered with Kulgaon Badlapur Rural Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall mark his attendance before the concerned police station on first Monday of every trimester between 3.00 p.m. to 5.00 p.m. till framing of charge and, thereafter, shall abide by the directions issued by the trial Court.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(SMT. BHARATI DANGRE, J.)