

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

CRIMINAL BAIL APPLICATION NO. 3886 OF 2022

Sohel Salim Bagwan
Versus
State Of Maharashtra

...Applicant

...Respondent

Mr. Vikrant V. Phatate for the Applicant.
Mr. Y. Y. Dabke, APP, for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 13th SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No. 62 of 2022 registered with MIDC Police station Solapur, Dist - Solapur for offence punishable under Section 307 of Indian Penal Code (for short "IPC").

2. It is prosecution's case that on 4th February, 2022 at about 6:00 p.m. after work, when the complainant was proceeding to his house. At that time applicant and his friend Ibrahim met him. Thereafter, they drank alcohol. The complainant paid the bill of

alcohol. Thereafter, while returning home, applicant told that he had paid bill of alcohol, and demanded that money from complainant. The complainant told him he had paid bill. On that reason, quarrel started between them and further they assaulted each other. Thereafter, around 12:00 mid night when complainant was going to his house applicant assaulted him with cutter on his neck and ran away.

3. It is contention of learned counsel for the applicant that case under section 307 of IPC is made out against the applicant, as complainant was admitted in hospital for four days and injury caused to complainant was not serious. Applicant had no motive to kill complainant as complainant was his friend and sometime before the alleged assault, they had consumed liquor together. Applicant is behind bar for more than eighteen months. Investigation is completed and charge sheet has been filed. Hence, requested to allow the application.

4. It is contention of learned APP that, applicant had assaulted the complainant on his neck with cutter. Applicant had intention to kill the complainant. The medical certificate shows the nature of injury was grievous. There is *prima facie* case against the

applicant. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. Admittedly, before the incident complainant, applicant and his friend consumed liquor together. Thereafter, quarrel took place between them regarding payment of bill. The medical certificate shows the nature of injury was grievous but, complainant was admitted in hospital for four days. There was no previous enmity between complainant and applicant. Applicant is behind bar for more than eighteen months. Investigation is completed and charge sheet has been filed.

7. Considering above facts, further detention of applicant is not required.

8. In view of above, I pass following order.

ORDER

- (i) Applicant be enlarged on bail in Crime No.62 of 2022 registered with MIDC Police Station Solapur, District – Solapur, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

9. The application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)