

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 233 OF 2023**

1. Somnath Namdeo Dalvi
2. Aaditya Somnath Dalvi

...Applicants

Versus

The State of Maharashtra

...Respondent

WITH

BAIL APPLICATION NO. 234 OF 2023

Kailas Namdeo Dalvi

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Chetan Damre for the Applicants.
Ms Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 26 APRIL 2023

P.C. :-

The applicants who are accused in Crime No.129 of 2022 registered at Sinner Police Station, Nashik for the offences punishable under Sections 307, 324, 323, 504 r/w 34 of the Indian Penal Code, Sections 4 r/w. 25 of the Arms Act and Sections 37(1)(3), 135 of the Maharashtra Police Act, have filed these applications under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. I have heard the learned counsel for the applicants and the learned APP for the respondent-State.

3. According to the prosecution, on the date of incident, which took place on 30 March 2022, the present applicants and other co-accused assaulted the complainant by koyata and attempted to kill him on account of dispute in relation to allotment of some tender.

4. The learned APP submits that the complainant was brutally assaulted and pointed out the injury certificate issued by Shree Sankalp Hospital. However, it appears that after the alleged incident, the complainant was initially taken to the Primary Health Centre, Pandhurli. The learned APP was thus directed to produce the medical papers of the complainant from the said hospital.

5. Pursuant to the order passed by this Court, the learned APP has produced on record injury certificate issued by the said Primary Health Centre, Pandhurli. The same is taken on record and marked 'X' for the purpose of identification.

6. From the said certificate, the complainant appears to have sustained only two injuries. There is cross FIR in relation to alleged incident. The applicants are in jail for about eight months and there are no other criminal antecedents. Considering the overall facts and circumstances of the case, I am inclined to release the applicants on bail. Hence, the following order is passed:

- (i) Applications are allowed.
- (ii) The applicants shall be released on bail in Crime No. 129 of 2022 registered at Sinner Police Station, Nashik for the offences punishable under Sections 307, 324, 323, 504 r/w 34 of the Indian Penal Code, Sections 4 r/w. 25 of the Arms Act and Sections 37(1)(3), 135 of the Maharashtra Police Act, on furnishing PR bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
- (iii) The applicants 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 conclusion of the trial.

(N.R. BORKAR, J.)