

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

CRIMINAL BAIL APPLICATION NO. 587 OF 2022

Kumar Chinu Devendra @ Kalyakumar ...Applicant

V/s.

The State of Maharashtra ... Respondent

Mr.V.S. Tiwari a/w Mr.Priya Muthupandi, Mr.Azizan Khan, for
the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th SEPTEMBER 2023

P.C:-

. By this Application, Applicant is seeking bail in
Crime No.01 of 2021 registered with Wadala T.T. Police Station,
Mumbai, for the offence punishable under Sections 307, 323,
504, 143, 144, 147, 148, 149 read with Section 34 of the Indian
Penal Code ('IPC' for short).

2. It is prosecution's case that, on 1st January 2021 first
informant Mujfar @ Chor Batla was assaulted by Applicant and

co-accused, with an intention to kill him. It is alleged that, Applicant had assaulted the injured Mujfar on his left hand and right leg.

3. It is contention of the learned counsel for the Applicant that, the Applicant has been falsely implicated in this case. It is alleged that, the Applicant has assaulted Mujfar with knife on his left hand and right leg. These are not vital part of the body. The injuries shown on leg is simple. The Applicant is behind bar more than 2 years and nine months. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

4. It is contention of the learned APP that, Applicant along with other accused assaulted the injured witness. The Applicant assaulted the injured with knife on his hand and leg. There was intention of the Applicant and co-accused to kill the injured witness. There are eye witnessess who saw the incident knife used in the crime is seized at the instance of the Applicant. 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. The allegations against the Applicant are that, he assaulted the injured witness on his hand and leg. Investigation is completed and charge-sheet is filed. The Applicant is behind bar more than 2 years and nine months. Other co-accused have been released on bail.

7. Considering the above, further detention of the Applicant is not required.

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

ORDER

(i) The Applicant be released on bail in Crime No.01 of 2021 registered with Wadala T.T. Police Station, Mumbai, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the Wadala T.T. Police Station, Mumbai, once in a month i.e. on every 1st Monday of the month

between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.

(v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)