

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

CRIMINAL BAIL APPLICATION NO. 1226 OF 2022

Devraj Pavitrakumar Nair ...Applicant

V/s.

State of Maharashtra ... Respondent

Mr.Sanjay Singh, for the Applicant.
Mr.Y.Y. Dabke, APP for the Respondent-State.
Mr.B.V. Gaonkar, PSI, Amboli Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th OCTOBER 2023

P.C:-

. By this Application, Applicant is seeking bail in Crime No.756 of 2021 registered with Amboli Police Station, Mumbai, for the offence punishable under Sections 307, 326, 324,, 504 and 506(2) of the Indian Penal Code ('IPC' for short).

2. It is prosecution's case that, on 1st December 2021 at about 6.00 p.m. the Applicant came to the grocery shop of the first informant and demanded blade, as there was rush, so the first

informant asked the Applicant to wait for sometime. Then Applicant got angry and he left the shop and came after sometime and assaulted first informant with blade on his neck and other parts of the body. When first informant's son tried to intervene, the Applicant also assaulted him with blade.

3. It is contention of the learned counsel for the Applicant that, all the injuries caused to the first informant and his son were simple in nature, they were not life threatening. Applicant has been falsely implicated in this case. Investigation is completed and charge-sheet has been filed. Applicant is behind bar about 22 months. Hence, requested to allow the Application.

4. It is contention of the learned APP that, Applicant had assaulted with blade on neck and other parts of the body of the first informant with an intention to kill him. 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 Medical Certificate shows that, the nature of injuries caused to the first informant and his son are simple in nature. The Applicant is behind bar about 22 months. Investigation is completed and charge-sheet has been filed. Considering this fact, I am inclined to allow the Application and I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No.756 of 2021 registered with Amboli 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 Amboli 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.)

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