

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2880 OF 2022

Subir Robin Mukharjee

...Applicant

V/s.

The State of Maharashtra

... Respondent

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KAMBLE

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Mr.Aamir Shaikh, for the Applicant.

Ms.P.N. Dabholkar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th AUGUST 2023

P.C:-

1. By this Application, Applicant is seeking bail in Crime No.84 of 2021 registered with Shrinagar Police Station, Thane for the offence punishable under Sections 307,504 and 506 of the Indian Penal Code.

2. The prosecution case in brief is that:

On 3rd June 2021 at 7.00 a.m. Complainant Monohar Pawar was informed by Mr.Pakya that his nephew namely Mr.Bhavesb was lying in injured and in unconscious

condition near Janta Laundry in front of Jayashree Building. When Complainant went there, he found bleeding injury on his nephew's head. The Complainant and one Ravi @ Batar had taken the injured to Chatrapati Shivaji Maharaj Hospital, Kalwa for treatment. Thereafter, the injured was shifted to Sion Hospital for further treatment. The injured was admitted in ICU. The Complainant came to know that the Applicant had hit the cement brick on the head of the injured. Thereafter, Complainant lodged report against the Applicant. On the basis of which Police registered offence against the Applicant.

3. It is contention of learned counsel for the Applicant that the Applicant has been falsely implicated in this case. There is delay of one day for lodging the FIR. The Medical Certificate of Chatrapati Shivaji Maharaj Hospital, Kalwa shows nature of injury was simple. The supplementary statement of Complainant was recorded after 26 days of incident. The Applicant was 28 years old at the time of incident. He is earning member of his

family. He is behind the bar more than 2 years. Hence, requested to allow the Application.

4. It is contention of the learned APP that, the Applicant hit injured with cement block with an intention to kill him without any reasonable ground. The Applicant was in habit to make quarrel with everyone residing in that area. It shows his nature was criminal. The learned APP further submitted that, though Medical Certificate given by Chatrapati Shivaji Maharaj Hospital, Kalwa, is simple but at the bottom side, note is put up by the said doctor that, there is injury to head and no facility is available in their hospital. Hence, injured was shifted to Sion Hospital for treatment and there injured was admitted in ICU Unit as there was head injury. There are eye witnesses who have witnessed incident, if Applicant is released on bail he may threaten the injured and other prosecution witnesses and there are chances of absconding of the Applicant and trial may be delayed. Hence, requested to reject the Application.

5. I have heard both learned counsel.

6. The allegation against the Applicant are that, he hit injured with cement block on his head, thereafter, immediately injured was admitted to Chatrapati Shivaji Maharaj Hospital, Kalwa. After examining him doctor gave medical certificate of simple injuries, but in the foot note it is mentioned that injured be referred to higher hospital. Accordingly he shifted to Sion Hospital there Applicant was admitted in ICU Unit.

7. The Applicant was 28 years old. He is earning member of his family. Investigation of this case is completed. Charge-sheet has been filed. He is in jail more than two years. No detention of the Applicant is required.

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

ORDER

(i) The Applicant be released on bail in Crime No.84 of 2021 registered with Shrinagar Police

Station, Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) The Applicant shall not enter the area where victim resides and shall not contact victim or his family members.

(iii) After his release from jail the Applicant shall attend the Shrinagar Police Station, Thane once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till the framing of charge.

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

(v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)