

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3566 OF 2022

Santosh Mahabirchand Thakur ... Applicant

V/s.

State of Maharashtra ... Respondent

.....
Mr. Harshad Sathe, Advocate for Applicant.

Mr. A. A. Palkar, APP for Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 7 OCTOBER, 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. 726 of 2021 registered with Sakinaka Police Station, Mumbai for the offence punishable under Sections 307 read with 34 of Indian Penal Code, 1860 (for short "IPC") and Section 4, 25 of Arms Act.

2. It is the prosecution's case that on 01.07.2021 Applicant and co-accused assaulted the first informant with sickle and chopper with intention to kill him.

3. It is the contention of learned Counsel for the Applicant that Applicant has been falsely implicated in this case. There is delay in lodging the FIR. The medical report shows no serious injuries were suffered by the first informant. Learned counsel further submitted

that name of Applicant was not mentioned in the FIR. After the arrest of Applicant Test Identification Parade is not taken. Applicant is behind the bar for more than six months. Hence requested to allow the Application.

4. Learned APP submitted that Applicant had assaulted the complainant with chopper. Applicant had intention to kill the complainant. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

5. I have heard both the learned Counsel. Perused the FIR and charge-sheet. In the complaint, name of the Applicant was not mentioned. There is no recovery at the instance of Applicant. After arrest of Applicant Test Identification Parade is not taken. Investigation is completed and charge-sheet has been filed. Applicant is behind the bar more than six months. Considering the above facts further detention of Applicant is not required.

6. In view of the above, I pass following Order:

ORDER

- (i) Applicant be enlarged on bail in Crime No.726 of 2021 registered with Sakinaka Police Station, Mumbai on executing PR.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 Monday between 11.00 a.m. to 3.00 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 or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

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

(SHIVKUMAR DIGE, J.)

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by SONALI
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