

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

CRIMINAL BAIL APPLICATION NO. 3276 OF 2022

Shriniwas Alias Chini Muttupura Swami ...Applicant

Versus

State Of Maharashtra ...Respondent

Ms. Suvarna Yadav a/w Mr. Onkar Shinde, Adv. Karni Singh i/b Ms. Sarla Shinde for the Applicant.

Ms. Anamika Malhotra, APP, for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 8th SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No. 342 of 2021, registered at Rabale MIDC Police Station, Thane for offences punishable under Sections 307, 354, 324, 506(2), 504 r/w 34 of the Indian Penal Code (for short "IPC") and Sections 37(1) (a) and 135 of Maharashtra Police Act, 1951.

2. It is prosecution's case that, on 29th December, 2021 around 10:30 p.m. applicant and his brother assaulted the complainant, as complainant's husband failed to give money borrowed by him, from

Mr. Anil. The accused no.1 assaulted complainant's husband with knife whereas the applicant assaulted with fist and blows. The complainant lodged complaint against the applicant and his brother.

3. It is contention of learned counsel for the applicant that, the allegations against the applicant are that, he assaulted the injured husband of complainant with fist and blows. There is no recovery at the instance of applicant. Applicant is behind bar for more than one year and eight months. Hence, requested to allow the application.

4. Learned APP submitted that, the applicant and his brother assaulted husband of complainant by going to his home. The brother of applicant assaulted the injured with knife. Applicant was present there, he assaulted the injured with fist and blows. It shows involvement of the applicant in the crime. If applicant is released on bail, he may threaten the prosecution witnesses. Hence, requested to reject bail application.

5. I have heard both learned counsel. Perused FIR and charge-sheet .

6. The allegations against the applicant are that, he beaten up the injured with fist and blows. There is no recovery at the instance of applicant. Applicant is behind bar for more than one year and eight months. Investigation of present case is completed and charge sheet has been filed. Considering the above facts, further detention of the applicant is not required.

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

ORDER

- (i) Applicant be enlarged on bail in Crime No. 342 of 2021 registered with Rabale MIDC Police Station, Thane, on executing P.R. 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 Saturday between 11:00 a.m. to 2:00 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
and/or influence the prosecution witnesses.
- (v) The application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)