

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3733 OF 2022

Babu Durgappa Bhandari ... Applicant

V/s.

State of Maharashtra and Anr. ... Respondents

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Mr. Mahesh Vaswani a/w. Ms. Chitra Salunke, Ms. Dharini Nagda,
Ms. Lakshita Fatnani and Ms. Shreya Tiwari, Advocate for Applicant.
Ms. P. N. Dabholkar, APP for Respondent-State.
PSI – Mr. Ravindra Jedhe, Govandi Police Station present.

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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. 24 of 2022 registered with Govandi Police Station for the offence punishable under Sections 307, 323, 504, 143, 144, 147 and 148 of Indian Penal Code, 1860 (for short “IPC”) and Sections 4, 25 of Indian Arms Act, 1959.

2. It is the prosecution’s case that on 19.02.2022, Applicant and co-accused assaulted the first informant with knife and sword. It is alleged that Applicant had assaulted first informant with knife on his

right hand shoulder and right side of stomach. It is alleged that Applicant and co-accused had intention to kill the first informant.

3. It is contention of learned counsel for the Applicant that the incident is captured in CCTV and in the said CCTV footage it is seen that co-accused Sandeep Shinde was assaulting the first informant. Learned Counsel further submitted that sharp weapon is recovered from the Applicant but it was from the public place. Learned Counsel further submitted that, first informant was discharged from the hospital after one day. The injuries were simple in nature. Hence, requested to allow the Application.

4. Learned APP submitted that Applicant had pulled first informant from car and assaulted with knife. Applicant and co-accused had intention to kill the first informant. There is recovery of sharp weapon at the instance of Applicant. It shows *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. It is alleged that CCTV footage shows that co-accused was assaulting the first informant. Co-accused has been released on bail by this Court. Investigation is completed and charge-sheet has been filed. Applicant is behind the bar more than one year and seven months. Considering the above facts further detention of Applicant is not required.

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

ORDER

- (i) Applicant be enlarged on bail in Crime No.24 of 2022 registered with Govandi Police Station, 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 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.