

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3884 OF 2022

Satish Tukaram Ghatal

... Applicant

V/s.

State of Maharashtra

... Respondent

.....
Mr. Pankaj Purway a/w. Ms. Priyanka Mistry and Mr. Omkar Dhakal,
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. 184 of 2021 registered with Rabale Police Station, Navi Mumbai for the offence punishable under Section 307 of Indian Penal Code, 1860 (for short "IPC").

2. It is the prosecution's case that on 15.07.2021 in afternoon Applicant beaten up victim boy aged 10 years and his brother, aged 12 years by fist and kick blows. When the first informant enquired with the Applicant as to why he was beating kids, Applicant replied that the victim boy is assaulted his son. It is alleged that in anger the Applicant held both hands of the victim boy near shoulder and

threw him on the ground, due to which head of the victim boy was banged on the paver block with force and he received injuries. Thereafter, Applicant kicked the victim boy at his hands, legs and shoulder with force and also assaulted victim boy by means of a stone on his head, due to that victim boy got unconscious.

3. It is the contentions of learned Counsel for the Applicant that Applicant has been falsely implicated in this case. Applicant had not intention to kill the victim boy. The injuries suffered to the victim boy was not sufficient to cause death. Applicant had not used any weapon to assault the victim boy. Applicant is behind the bar more than two years and three months. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

4. It is the contention of learned APP that Applicant assaulted victim boy aged 10 years and his brother, aged 12 years. He threw him up and bang his head on paver block. It shows he had intention to kill that boy. The reason of assault that the victim had assaulted son of Applicant. 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. It is alleged that Applicant had assaulted victim boy. Applicant is behind the bar more than two years. Investigation is

completed and charge-sheet has been filed. It may take time to conclude the trial. Considering the above facts further detention of the Applicant is not required.

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

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 184 of 2021 registered with Rabale Police Station, Navi Mumbai, 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.

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(SHIVKUMAR DIGE, J.)