

The State of Maharashtra ... Respondent

Mrs. Veera Shinde, APP, for the Respondent/State.

doubtful whether it would attract.

4. As far as offence under section 307 is concerned, after going through the injury certificate and the allegations made against the applicant, it is evident that the injuries which are grievous, the applicant is not the author of the same. The allegation against the applicant is that he assaulted the injured by fist and blows.

5. The applicant is in jail from last about 2 and ½ years.

6. The learned APP strongly opposed the application and submits that there is recovery of clothes from the applicant and there is sufficient incriminating material available on record to show the involvement of the applicant in the alleged offence. It is further pointed out that there is one antecedent against the applicant which is the offence with the gang. She therefore, prays for rejection of the present application.

7. Thus, considering the allegations against the applicant that he assaulted the injured by fist and blows and injury certificate shows that the injuries caused were by hard and blunt object, there is a reasonable ground to believe that the applicant is not involved in the alleged offence. The earlier offence was of 2018. In the present offence initially, the provisions of MCOC were not invoked. The applicant was arrested on 03.09.2021 in the present offence then, he was released on bail on 01.10.2021. However, subsequently the provisions of MCOC were invoked and the applicant was taken into custody on 10.02.2022.

8. Thus, I am of the opinion that there is no possibility that if the applicant is released on bail, he would commit the similar offence.

9. In light of above referred observation, the application is allowed. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.195 of 2021, registered with Umadi Police Station, Dist:Sangli for the offences punishable under Sections 307, 364, 395 and 397 of the Indian Penal Code (for short, 'IPC') and Section 3 (1) (ii), Section 3 (4) of MCOC Act, on furnishing PR.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st and 16th day of every month between 12.00noon to 2.00p.m., till the conclusion of the trial except on the date of trial.
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v) Liberty is granted to State to apply for cancellation of bail if the applicant breach any condition or commit similar offence.

vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

10. The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)