



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.373 OF 2023**

Bhavin Bhagwan Kolekar	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Ms. Shanshree Lad, for Applicant.
Mr. S.R.Aagarkar, for State.
Ms. Chakane, PSI, Dahisar Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 8 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.445 of 2022 registered with Dahisar Police Station for the offence punishable under Section 307 of the Indian Penal Code.
3. The Applicant had allegedly requested the first informant to drop him at his home. However, the first informant declined to accompany the applicant. Enraged, the applicant allegedly whipped out a knife like sharp weapon and give blows to the first informant leading to bleeding injuries.
4. Learned Counsel for the Applicant submitted that the applicant has been in custody since 20 March 2022. Investigation is complete. The offence punishable under Section 307 of IPC cannot be said to have been prima facie made out as the first

informant had sustained simple injuries. Attention of the Court was invited to the injury certificate which indicates that the first informant had sustained three CLW, which were designated as simple.

5. Learned APP resisted the prayer for bail. Inviting attention of the court to the antecedents of the applicant which indicates that during the period 2015 to 2017, four crimes were registered against the applicant, learned APP submitted that the applicant does not deserve to be released on bail.

6. Prima facie, it appears that the applicant and the first informant were acquainted with each other and on the date of the occurrence, the first informant had allegedly accompanied the applicant to drop him at his place. It appears that the incident occurred in the spur of moment. There is substance in the submission on behalf of the applicant that the first informant had sustained simple injuries. The Medical Officer has opined that the injuries were caused by blunt weapon.

7. In the circumstances and having regard to the period for which the applicant has been in custody, a prima facie case for exercise of discretion is made out. The apprehension on the part of the prosecution can be taken care of by imposing appropriate conditions.

8. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Bhavin Bhagwan Kolekar be released on bail in C.R.No.445 of 2022 registered with Dahisar Police Station, on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the learned Sessions Judge.

(iii) The Applicant shall stay away from the limits of Dahisar Police Station for a period of one year or till the framing of the charge, whichever is earlier.

(iv) The applicant shall mark his presence before the concerned police station on first Saturday in between 11 am to 1 pm till framing of charge and, thereafter, shall abide by the directions issued by the trial Court.

(v) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number and alternate residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations hereinabove are confined to the consideration of the entitlement for bail and they may

not be construed as an expression of opinion on the guilt or otherwise of the applicant.

Application disposed.

(N.J.JAMADAR, J.)