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

BAIL APPLICATION NO.1176 OF 2024

VINODKUMAR RAMSAMUJH MAURYA ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Ankit R. Takle i/b. Adv. Vijay K. Shelar for the
applicant.

Mr. S. H. Yadav, APP for the State.

PI-Ruta Nemlekar, Bhandup Police Station.

CORAM : M. S. KARNIK, J.

DATE : APRIL 29, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 307, 323, 427, 504 of the Indian
Penal Code (hereafter 'IPC' for short) registered on
09.05.2023 vide FIR bearing C.R. No.325 of 2023 with
Bhandup Police Station.

3. By an order dated 11.12.2023 Bail Application
No.3888 of 2023 filed on the earlier occasion was withdrawn
with liberty to apply for bail after three months. The

applicant was a driver of a mixer truck meant to transport concrete mix to the various construction sites. It appears that the applicant was sleeping in the truck. He was woken up by his co-employee who is the deceased. The deceased asked him to remove the truck immediately and park it near the site office after unloading the concrete mix. A scuffle took place. The applicant with the spanner assaulted the deceased. I have perused the injury certificate. The deceased suffered sutured CLW (5 cm) over left side of forehead which is reported to be a grievous injury. There is one injury over left ear which is simple in nature. The injury Nos.3 and 4 are on the left frontal parietal region (7 cm) grievous in nature.

4. According to learned counsel for the applicant the incident happened on the spur of the moment and the act was not premeditated. Learned APP opposed the application for bail. It is submitted that the assault was on the vital part of the body.

5. The applicant was arrested on 09.05.2023 and is now in custody almost for a period of one year. The charge has

not been framed. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been filed. In the facts and circumstances of the present case the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Vinodkumar Ramsamujh Maurya in connection with C.R. No.325 of 2023 registered with Bhandup Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Bhandup Police Station once in three months every first Monday of the concerned month between 11:00 a.m. and 1:00 p.m. commencing May 2024.
- (e) 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. The applicant shall not tamper with evidence.

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

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The bail application is disposed of.

(M. S. KARNIK, J.)