

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.137 OF 2024

Akshay Ashok Kanthe ... Applicant
Vs. ... Respondent
State of Maharashtra

Mr. Amrish R. Salunke a/w. Mr. Abhishek Kumar and Mr. Chetan Chauhan for Applicant.

Ms. Rutuja Ambekar, APP for Respondent-State.

Mr. Mahavir Jadhav, API, Mankhurd Police Station.

CORAM : MANISH PITALE, J.
DATE : JUNE 19, 2024

P.C. :

. During the course of hearing, the learned counsel appearing for the applicant relied upon an injury report concerning Mangesh Hiwale, who was allegedly assaulted by the applicant during the incident in question. The injury reports on record with the charge-sheet pertain to other injured persons, but the injury report of Mangesh Hiwale is not placed on record along with the charge-sheet. It appears that copy of the said injury report of Mangesh Hiwale was tendered before this Court during the course of hearing on the last occasion. A copy of the same was tendered today also for assisting this Court. The same is taken on record and marked 'X'.

2. The learned counsel for the applicant contends that if the contents of the said injury report concerning Mangesh Hiwale are taken into account, the injuries are recorded therein as inflicted on the face of the victim and these are inconsistent with the statements given by the informant and one of the witnesses during the course of investigation. The aforesaid statements have attributed use of a wooden plank on the

part of the applicant to assault the victim Mangesh Hiwale and it is further claimed that the said victim was assaulted on his back.

3. *Prima facie*, there appears to be an inconsistency in the material on record.

4. The learned APP seeks time to verify the contents of the said injury report pertaining to victim Mangesh Hiwale. Apart from this, she has specifically invited attention of this Court to the chart at exhibit-D filed along with the reply affidavit on behalf of the State. It is specifically stated in the chart that apart from the present case, the applicant is an accused person along with the gang leader Shankar Salve in C.R.No.227 of 2021. This submission is made in the context of justifying the sanction order passed by the competent authority under the provisions of the Maharashtra Control of Organised Crime Act, 1999.

5. The learned counsel for the applicant also seeks short adjournment to verify the aforesaid assertion made on behalf of the State, by going through the charge-sheet pertaining to C.R.No.227 of 2021.

6. List for further consideration on 28.06.2024, H.O.B.

(MANISH PITALE, J.)

Minal Parab