

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1929 OF 2024

Raj @ Vicky Kumar Chandanshive

Applicant

versus

The State of Maharashtra

Respondent

Mr.atyavrat Joshi i/by Mr.Salman Pathan, Advocate for Applicant.

Mr.Shreeram S. Chaudhari, APP, for State.

PSI Sachin Pawar, Parvati-Dattawadi Police Station, Pune City,
present.

CORAM : ANIL S.KILOR, J.

DATE : 13th June 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.234 of 2023, registered with Dattawadi Police Station, Pune City, for the offences punishable under Sections 143, 144, 307, 326, 147, 148, 149, 506 of Indian Penal Code r/w Sections 25 and 4 of Indian Arms Act r/w Sections 37(1) and 135 of Maharashtra Police Act.

3. Learned counsel for Applicant submits that there are discrepancies in the statement of injured and the eye witness. It is submitted that in the statement of injured he has alleged that Applicant has caught hold the complainant and and gave blow by sharp edged weapon on both the hands. Whereas, injury report does not support said version of the injured. Another version is of the eye witness Kunal Shinde who has stated in the statement that he

prevented the injured. The eye witness disclosed in his statement the similar role to Prasik Kamble who has been granted bail by the co-ordinate Bench vide order dated 7th March 2024 in Bail Application No.270 of 2024. It is further pointed out that charge sheet has been filed after completion of investigation.

4. Learned APP strongly opposed the bail and states that injured was hospitalized for six days and there were grievous injuries on his person. It is submitted that there is a sufficient evidence collected by Investigating Officer during investigation. Accordingly he prays for dismissal of application.

5. On perusal of the charge sheet it is evident that there are discrepancies in two statements i.e. of the injured and Kunal Shinde. As far as statement of injured is concerned, there is no corresponding injury found on both the hands of injured. As far as statement of Kunal Shinde is concerned, that was considered by the co-ordinate Bench of this Court and granted bail to the co-accused Prasik Kamble. Moreover, as the investigation is completed and further custody of the Applicant is not necessary and taking into consideration the period of incarceration, I am of the opinion that application needs to be allowed.

ORDER

(i) Bail Application is allowed and disposed off.

(ii) It is directed that the applicant shall be released on bail in Crime No.234 of 2023 registered with Dattawadi Police Station, Pune City, for the offences punishable under Sections 143, 144, 307, 326, 147, 148, 149, 506 of Indian Penal Code r/w Sections 25 and 4 of Indian Arms Act r/w Sections 37(1) and 135 of Maharashtra Police Act Act on executing P.R.Bond of Rupees Twenty Five Thousand with

one solvent surety in the like amount;

(iii) Applicant shall attend Dattawadi Police Station on 1st and 16th day of every month between 11.00 a.m and 12.00 noon till conclusion 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) The Applicant shall not enter the territorial jurisdiction of Dattawadi Police Station till conclusion of trial;

vi) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence;

vii) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

(ANIL S.KILOR, J.)

MST