

AGK

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

BAIL APPLICATION NO.4937 OF 2024

Ganesh Namdev Tandel	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Irfan A. Shaikh for the applicant.

Mrs. Shilpa G. Talhar, APP for respondent-State.

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CORAM : AMIT BORKAR, J.

DATED : JUNE 20, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, for seeking regular bail in connection with Crime Register No.395 of 2024, registered with Nerul Police Station, for offences punishable under Sections 307, 323, 324, 504, and 506 read with Section 34 of the Indian Penal Code, 1860.

2. As per the case of the prosecution, the incident occurred on 17th June 2024, when the applicant, along with co-accused persons, allegedly assaulted the informant. The specific role attributed to the present applicant is that he assaulted the informant on the head using a beer bottle, and thereafter allegedly inflicted further injuries on the body. The injury certificate placed on record shows that the informant has sustained two lacerated injuries on the parietal region of the head.

3. Learned advocate appearing for the applicant has submitted that the applicant was arrested on 18th July 2024, and since then he is in custody. The charges in the case are yet to be framed. It is submitted that the injuries alleged to be caused by the applicant are limited to lacerations, and not of such grievous nature so as to cause imminent danger to life. It is further submitted that as per the FIR, only one injury is specifically attributed to the applicant on the head, and the other allegation of bodily assault by using a beer bottle is not corroborated by the medical evidence, which records only head injuries. The learned advocate further submits that though the applicant has criminal antecedents, the only case involving injury to human body is of the year 2008, and all other past offences are under Sections 420 and 406, which are related to cheating and breach of trust and do not involve physical violence.

4. On the other hand, the learned APP has opposed the application. She contends that the applicant has five criminal antecedents, and the fact that the injury is caused on the vital part of the body i.e., head, is sufficient to invoke Section 307 of IPC, which deals with attempt to commit murder. She submits that the nature and location of injury must be considered seriously while deciding the question of bail.

5. I have carefully considered the submissions made by the learned advocate for the applicant and the learned APP. I have also perused the charge sheet, injury certificate, and the other material placed on record.

6. At this stage, the material on record indicates that the incident occurred during a sudden quarrel and not as part of any pre-planned act. The injury certificate shows two lacerations on the parietal region, which, though on a vital part, are not grievous in nature and do not indicate deep or life-threatening wounds. There is no medical opinion placed on record to suggest that the injuries were sufficient in the ordinary course of nature to cause death. Hence, at this stage, the applicability of Section 307 of IPC will have to be tested at the stage of trial. The case rests on oral evidence, and no weapon other than the beer bottle is alleged to have been used.

7. It is also relevant to note that the applicant is in custody since 18th July 2024, and the charges are yet to be framed. The trial is likely to take a considerable amount of time, particularly when the complainant and witnesses are known to the police and can be protected from intimidation through strict bail conditions. Though the applicant has past criminal antecedents, most of them are economic offences and the only bodily offence is more than 15 years old. There is no material to show that the applicant is likely to abscond or tamper with the prosecution evidence if released on bail.

8. Taking into account the overall facts and circumstances of the case, the nature of injuries, the stage of trial, and the period already spent in custody, I am of the considered opinion that further incarceration of the applicant is not necessary, and he can be released on bail by imposing stringent conditions to ensure that he does not misuse the liberty.

9. As far as the criminal antecedents of the applicant are concerned, it appears from the record that except for one offence registered in the year 2008 under Section 324 of the Indian Penal Code, which relates to causing hurt by dangerous weapons or means, all other antecedents are in respect of offences under Section 420 of the Indian Penal Code, which pertains to cheating and dishonestly inducing delivery of property. These offences, though relevant for the purpose of assessing the background of the applicant, do not by themselves suggest a tendency of habitual involvement in violent crimes. The solitary incident of bodily offence under Section 324 is more than 15 years old, and there is nothing on record to suggest that the applicant continued to engage in offences involving assault or violence thereafter.

10. Thus, having regard to the nature of previous offences, the long lapse of time since the last violent antecedent, and the fact that the present incident also appears to have occurred during a sudden quarrel, it would not be proper to deny bail to the applicant solely on the ground of antecedents, particularly when there is no consistent pattern of violent conduct reflected from the past record.

11. The applicant, therefore, has made out a prima facie case for release on bail. Hence, the following order is passed:

(a) The bail application is allowed.

(b) The applicant shall be released on bail in connection with Crime Register No.395 of 2024 registered with Nerul Police Station for offences punishable under Sections 307,

323, 324, 504, 506 read with 34 of the Indian Penal Code, 1860, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court.

(c) The applicant shall attend the Trial Court on every date of hearing, unless specifically exempted by the Court.

(d) 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 such facts to the Court or to any police officer.

(e) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.

(f) The applicant shall report to the concerned Police Station on the first Monday of every month between 10:00 a.m. and 12:00 noon, until further orders.

(g) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

12. The bail application stands disposed of in above terms.

(AMIT BORKAR, J.)