

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

**BAIL APPLICATION NO.88 OF 2018**

Chaloba Gundu Dhulap	....	Applicant
<u>Vs.</u>		
The State of Maharashtra	....	Respondent

Mr. Brijesh Shukla for the Applicant.  
Mr. S.R. Agarkar, APP for the State.

Mr. Vishal S. Ambole, Constable, Chandgad Police Station present.

***Coram : Smt. Sadhana S. Jadhav, J.***  
***Date : 31<sup>st</sup> January, 2018***

P.C.:

1            Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2            This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 22<sup>nd</sup> September, 2017 in Crime No.184 of 2017, registered at Chandgad Police Station, Kolhapur. The investigation is completed and the charge-sheet is filed on 19<sup>th</sup> December, 2017 against the applicant for the offences punishable under Sections 307, 323, 504 and 506 Indian Penal Code.

3           It is the case of the prosecution that on 22<sup>nd</sup> September 2017, Kiran Babu Chandekar lodged a report at the police station alleging therein that the applicant resides in the neighbourhood i.e. almost in the same vicinity. In fact, the applicant was a member of the group of the complainant. However, he used to quarrel with the others and therefore he was removed from the group. It is alleged that on 21<sup>st</sup> September 2017 at about 9.00 pm., when the complainant was returning home, the applicant started abusing the complainant. There was an altercation between the complainant and the applicant. The applicant had aggravated the incident by hitting the complainant with a stone, which was lying nearby. He has sustained injury to his forehead. He was taken to the hospital by his relatives. On the basis of the said report, Crime No. 184 of 2017 is registered at Chandgad police station against the applicant.

4           The injury certificate shows that the applicant had sustained a contused lacerated wound on his forehead. It was a grievous injury. That he was admitted in KLES Hospital at Belgaum. He was discharged from the hospital on 11<sup>th</sup> October, 2017.

5           Learned counsel for the applicant submits that the applicant is handicapped. That he cannot speak fluently i.e. he stammers. He is also deaf and therefore the boys in the group used to tease him and mock at him. It is submitted that the applicant had

no intention to cause murder of the complainant and the incident had occurred on the spur of moment. Taking into consideration the papers of the investigation and the submissions advanced across the bar coupled with the fact that the investigation is completed and charge-sheet is filed and the applicant has been in custody for more than four months, this Court is of the opinion that the applicant deserves to be enlarged on bail.

6           The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

### **ORDER**

1           The application is allowed.

2           The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

**( Smt. Sadhana S. Jadhav, J)**