

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5532 OF 2015

AJAY ALIAS RAVI GOVIND VAJE
VERSUS
THE STATE OF MAHARASHTRA

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Mr.R.N.Dhorde, Senior Counsel, i/b Mr.V.S. Kadam, Advocate for Applicant.
Mrs. M. A. Deshpande, APP for Respondent.
Mr. Satej Jadhav, Advocate to assist PP.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 26th November, 2015.

PER COURT:

. Here is an application for regular bail in Crime No. I-130/2015 registered at Kopargaon City Police Station, District Ahmednagar, for the offences punishable under sections 143, 147, 148, 149 and 307 of the Indian Penal Code.

2 Heard Mr. R.N. Dhorde, learned Senior Counsel for the Applicant and Mrs. M.A. Deshpande, learned APP for State. Perused case papers.

3 It is the case of prosecution that on 04.07.2015, Applicant holding a wooden log went to the backside of Apna hotel at Kopargaon alongwith three other persons. Applicant assaulted Ajit Raosaheb Sonwane with wooden log and other persons who accompanied

Applicant beat him with kicks and fists. Anil brother of victim, reported the incident to police station.

4 During investigation, statements of eye-witnesses came to be recorded. According to prosecution, victim sustained grievous injuries and he is unable to give statement.

5 Learned Senior Counsel for Applicant vehemently contended that entire prosecution case is manipulated. It is submitted that statements of witnesses were recorded after 10 days of incident. Ramesh Salunke and Bhausahab Shinde alleged eye witnesses were panch witnesses on spot panchanama recorded on 5th July, 2015 still their statements came to be recorded on 14th July, 2015.

6 Learned Senior Counsel further submits that injured is out of danger. He has been discharged from hospital. Applicant has submitted an affidavit to that effect yet statement of injured has not been recorded which shows that allegations in FIR are totally false and concocted. In this background learned Senior Counsel submits that Applicant be enlarged on bail.

7 Per contra Mrs. M. A. Deshpande, learned APP refers to the statements of eye witnesses Yogesh Wani, Dnyaneshwar Bankar,

Eknath Kohir, Gangadhar Borude, Yogesh Survase and Vijay Khairnar recorded on 5th July, 2015 and submits that strong *prima-facie* case to show involvement of Applicant is made out through statements of eye witnesses and FIR. Learned APP submits that Applicant was arrested on the same day and he is involved in serious crime. Victim is still unable to speak due to head injuries sustained by him. In these circumstances learned APP prays to reject the application for bail.

8 Charge-sheet has been filed. Statement of injured is not recorded. It is pertinent to note that injured was initially referred to Phadke Hospital. Then shifted to Sai Baba Hospital, Shirdi and thereafter to Sahyadri Speciality Hospital, Nasik. Injury certificates issued by Medical Officers Sai Baba Hospital, Shirdi and Sahyadri Speciality Hospital, Nasik show the history of assault by unknown person.

9 In the absence of statement of injured, name of assailant in the history given before the Medical Officers of two different hospitals and considering the nature of offence, severity of punishment and the Applicant being in custody since last more than three months this Court is inclined to enlarge the Applicant on bail. Hence the following order –

ORDER

- I. Criminal Application No.5532 of 2015 is allowed.
- II. Applicant Ajay alias Ravi Govind Vaje is released on bail on P.R. and S.B. of Rs. 25,000/- each.
- III. He shall not tamper with the prosecution evidence and shall make himself available as and when required.
- IV. He shall keep himself away from the limits of Kopargaon Municipal Council till the trial is concluded.

[INDIRA K. JAIN, J.]

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