

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1430 OF 2015**

1. Avinash Mahadev Salunke,	
2. Suraj Jyotiram Bhosale	...Applicants
Versus	
State of Maharashtra	...Respondent

Mr. Ritesh Thobde for the Applicants

Ms. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
SATURDAY, 17TH OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 57 of 2015 registered with the Kurduwadi Police Station, for the alleged offences punishable under Sections 307,143, 147, 148, 149, 504, 506 of the Indian Penal Code.

3. The incident in question has taken place on 29th March, 2015 at about 11:00 a.m. According to the complainant-Balaji Lengare, when he was proceeding along with his friend on a motorcycle, the alleged incident

took place. He has stated that when his motorcycle reached the cross-road, one Scorpio and some motorcycles were parked there; that co-accused Santosh Shinde and Amol Yadav got down from that Scorpio; that the said persons were armed with swords. He has stated that on seeing the said persons, he got down from the motorcycle and ran into the nearby fields. According to the complainant, all the accused including the present applicants, assaulted him with swords, iron rods and hockey sticks and warned him that if his brother lodges a complaint, they would kill both of them.

4. Learned Counsel for the applicants states that the present applicants i.e. Avinash and Suraj are alleged to have assaulted the complainant by iron rods on his arms and legs. He submits that in the aforesaid C.R., there are eleven accused and seven accused are enlarged on bail. He submits that the persons who have been enlarged on bail are also alleged to have assaulted the complainant with wooden logs and hockey sticks. He states that the nature of injuries whether caused by iron rods, wooden logs or hockey sticks will be the same. Learned Counsel for the applicants states, on instructions, that there is only one antecedent *qua* the

applicant Suraj, which is a case registered in the year 2012. He, on instructions, states that there is no other cases save and except this case.

5. Learned A.P.P was given sufficient time on 21st September, 2015 to seek instructions with regard to the antecedents of the applicants. Even today, the learned A.P.P has no instructions with regard to the antecedents. She submits that the injury certificate shows the manner in which the complainant has been assaulted by all the accused including the present applicants.

6. Perused the charge-sheet. It appears that the complainant was brutally assaulted by all the accused. Santosh Shinde and Amol Yadav are alleged to have assaulted the complainant with swords. The present two applicants are alleged to have assaulted the complainant with iron rods and the other co-accused are alleged to have assaulted with wooden logs and hockey sticks. It appears that all the co-accused who had assaulted with wooden logs and hockey sticks are enlarged on bail. The injuries caused by iron rods could also be possibly caused by wooden logs and hockey sticks. Investigation is complete and charge-sheet is filed. The statement

of the learned Counsel for the applicants is accepted that there is one antecedent only, as against the applicant No. 2 Suraj. If the statement of the learned Counsel is found to be incorrect, the prosecution will be at liberty to file an application seeking cancellation of applicants' bail. Considering the aforesaid facts, the applicants are enlarged on bail on the following terms and conditions:

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station on the first and third Saturday of every month from 10:00 a.m. to 11:00 a.m. for a period of 6 months after their release and thereafter on the first Saturday of every month from 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the

case;

(iv) The applicants shall inform their latest places of residence and mobile contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial;

(vi) An undertaking to the aforesaid clauses (i) to (v), shall be filed by the applicants in the Trial Court within two weeks after their release;

(vii) If there is a breach of any of the aforesaid conditions, or if the statement of the learned Counsel is found to be incorrect, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.