

Anand

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

BAIL APPLICATION NO.1799 OF 2015

Nitin Bhimrao Kharat .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.V.R.Gaikwad i/b. Mr.S.H.Panhale, Advocate,
for the Applicant

Mr.S.H.Yadav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.10.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks his enlargement on bail in connection with
C.R.No.60 of 2014 registered with the Pusegaon
Police Station, District - Satara, for the
alleged offences punishable under Sections 143,
147, 148, 149, 307 & 323 of the Indian Penal
Code.

3. One Vikas Rajendra Jadhav is the complainant as well as the injured. According to him, the incident took place on 30.06.2014 at about 11.00 a.m. He has stated that he had been to fit the seat cover of his motor cycle along with his friend Aniket. He has stated that suddenly, the present applicant along with others came to the spot and started assaulting him and that the applicant assaulted him with a sword on his back. He has alleged that when he tried to flee from the spot, all the accused chased and assaulted him with swords.

4. Learned counsel for the applicant states that all the co-accused have been enlarged on bail. He submits that one of the accused Shrikant alias Rama Hanmant Madane has been enlarged on bail by this Court (CORAM : SMT. SADHANA S. JADHAV, J.) vide order dated 09.01.2015. He submits that a perusal of the

Injury Certificate shows that the complainant had sustained only one incised wound on his left shoulder, incised wound on his right palm and abrasion on his back. He submits that more than eight persons are alleged to have assaulted the complainant with sword. The same is not corroborated by the Medical Certificate which is on record.

5. Learned APP states that there is one antecedent as against the applicant i.e. C.R.No.7 of 2014 registered with the Pusegaon Police Station, District – Satara, under the Arms Act.

6. Perused the papers, in particular, the Injury Certificate. All the accused are alleged to have assaulted the complainant with swords. The Injury Certificate shows an incised wound on his left shoulder, incised wound on his right

palm and abrasion on his back. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Pusegaon Police Station, District – Satara on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number 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 applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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

9. 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.

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

(REVATI MOHITE DERE, J.)