

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2658 OF 2014

Shrikant @ Rama Hanmant Madane

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Rahul K. Dhaygude for Applicant

Mr. A. S. Shitole APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : JANUARY 9, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 07/07/2014 in crime no. 60 of 2014 registered at Pusegaon Police Station for offence punishable under section 307, 323, 143, 147, 148 & 149 of Indian Penal Code. Investigation is completed and charge-sheet is filed. Learned counsel for the applicant submits that co-accused, to whom, a similar role has been attributed, has been enlarged on bail by the Sessions Court. Said orders are not challenged and hence, have attained finality. Learned counsel for the applicant submits that applicant was working with Tata Motors.

2) It is the case of prosecution that on 30/06/2014, Vikas Jadhav lodged a report at the police station that about two months prior to the incident, he had some altercation with Aniket @ Bablya Madne. Hence, Aniket Madne nurtured grudge against the complainant. It is alleged that on 30/06/2014, at about 11.00 am, he had been with Aniket to fit the seat cover of his motorcycle. At that time, suddenly, accused persons Nitin Kharat and others, including present applicant and two unknown persons mounted assault upon him. When he was trying to flee from the spot, present applicant, along with others is alleged to have chased and assaulted him with the sword on his back.

3) Upon perusal of the injury certificate, it appears that complainant had sustained one incised wound on the left shoulder and the incised wound on his left palm. It is alleged that almost, more than 8 persons had assaulted him with swords. The same is not corroborated with the medical certificate. Investigation is completed and charge-sheet has been filed. Applicant has been in jail for almost six months. Hence, applicant deserves to be enlarged on bail. Observations made herein above are prima facie in nature and are pertaining to the application under section 439 of Code of Criminal

Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 15,000/- and one or two sureties in like amount.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)