

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 160 OF 2015

Swapnil Minanath Marne	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

Mr.Satyavrat Joshi, Advocate for the applicant
Mrs.R.V.Newton, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 4th March, 2015.

P.C.

Heard. This is an application under Section 439 of Cr.P.C.,
The applicant herein is arrested on 5.5.2014 in Crime No.243 of 2014 registered
at Kothrud Police Station, Pune, initially for the offence punishable under Section
326 read with Section 34 of IPC. However, subsequently, the applicant has been
charge-sheeted for the offence punishable under Section 307 read with Section 34
of IPC.

2. It is the case of the prosecution that on 5.5.2014, Datta Devkar
lodged a report at the police station alleging therein that on that day at about 8
p.m., when he was in the company of his friend Anil Rathod, the present applicant
and others had accosted him and have raised a quarrel over some commercial

transaction which had taken place between Anil Rathod and Sandip Kondalkar. In the said altercation, the present applicant and others are alleged to have assaulted Anil Rathod and the complainant with deadly weapons. The investigation is completed and charge sheet is filed. The injury certificate of Datta Devkar would show that he had sustained CLW on left parieto occipital region. He was discharged from the hospital on 6.5.2014. Similarly, the injury certificate of Prashant Shilvant would show that he has sustained contusions and swelling , abrasion on the left middle back. The compilation of the charge-sheet does not contain the injury certificate of Anil Rathod. There is nothing on record to indicate that Anil Rathod was admitted by the applicant and others with deadly weapons.

3. The learned APP submits that the applicant has criminal antecedents and is being prosecuted for the offence punishable under Sections 392 and 324 of IPC.

4. Taking into consideration the injury certificates of the first informant as well as the other witnesses, coupled with th fact that the investigation is completed and charge sheet is filed, this Court is inclined to grant bail in favour of the applicant.

5. The observations made hereinabove are prima facie in nature and the Sessions Court shall not be influenced at the time of trial.

ORDER

(i) The application is allowed. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) The applicant shall report to the Kothrud Police Station, Pune, on every Sunday, between 10 a.m. to 12 noon for a period of six months from today.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)