

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 596 OF 2015

1	Ganesh Vasudeo Patil	
2	Santosh Vinod Chalke.	... Applicants.
	Versus	
	The State of Maharashtra.	... Respondent.

Mr. Shirish Gupte, Sr. Counsel a/w. Ms. Supriya Kak i/b. Ms. Rucheeta R. Dhuru, advocate for Applicants.

Mr. Sandesh More, advocate for intervenor.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JUNE 15, 2015

P.C.:

1 Heard the learned Counsel for the applicants, learned Counsel for the intervenor and learned APP. Perused the papers. Leave to add/amend. Amendment to be carried out forthwith.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicants herein are arrested on 15/11/2014 in Crime No. 216 of 2014 registered at Khandeshwar Police Station,

New Bombay for offence punishable under Section 326, 504, 143, 147, 148, 149, 427, 323 of the Indian Penal Code. The investigation is completed and charge-sheet is filed for the offence punishable under Section 307, 326, 323, 143, 147, 148, 149, 504, 427 of the Indian Penal Code.

3 It is the case of the prosecution that on 14/11/2014 Gabbar Daulatsingh Bist who works as Manager of Gavdevi Dhaba lodged a report at the police station that on 13/11/2014, present applicants had been to the said dhaba alongwith their friends for having dinner. Waiter of the said hotel had given bill of Rs. 1440/-. There was dispute between the applicants and the waiter. Due to intervention of the owner and the others the applicants had returned home. However, in the intervening night at about 12.30 p.m. the applicants had returned to the said hotel alongwith his friends and had assaulted the owner of the hotel.

4 The medical certificate shows that the injured Neelkanth Gaikwad had sustained head injury on frontoparietal region, where as Suresh Gaikwad had also sustained head injury on the left parietal region. The nature of the injury was compound depressed fracture.

5 It appears that the applicants had assaulted the injured without any intention. The incident had occurred at the spur of the moment. The applicant has been in custody for more than 6 months. Hence, further detention would be unwarranted and unjustified. Hence, the applicants have made out a prima facie case for grant of bail.

6 The observations made hereinabove are prima facie in nature, the same shall not be considered while deciding application for discharge or quashing of FIR or at the time of trial. The Trial Court shall decide the matter on its own merits.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
 - (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each and one or two sureties in the like amount.
 - (ii) The applicants shall report to the Police Station on 8 consecutive Sundays between 10 a.m. to 1 p.m.
- 8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)