

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.783 OF 2015

Vicky Savlaram Kadam

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Sandeep Dere for the Applicant

Mr.D.P. Adsule, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 1, 2015**

P.C.:

1. The application is moved for bail as the applicant/accused is arrested in relation to C.R. No.253 of 2012 at Bhosari police station, Pune for the offences punishable under sections 326, 324, 323, 504, 307 r/w section 34 of the Indian Penal Code. One Vithhal Parhad has lodged the FIR. It is the case of the complainant that his family had some dispute with the applicant/accused as he tried to steal the undergarments of female members in the family. So the complainant questioned him. Thereafter on 19.9.2012, the applicant/accused, his parents arrived in the house when the complainant and his family members were resting. At that time, they suddenly started assaulting Suresh, the brother of Vitthal. The applicant/accused threw stone on the head and his father, co-accused hit Suresh on the head. So Suresh fell down. The applicant/accused went in

the house, brought knife and assaulted the complainant with knife and thereafter they all ran away. Suresh was admitted in the hospital. Thus, the offence was registered.

2. The learned Counsel for the applicant/accused submitted that the offence has taken place on 19.9.2012. The applicant/accused was very much available. This Court has granted bail to the co-accused by its order dated 17.2.2015. The learned Counsel submitted that the applicant/accused has been arrested on 15.9.2014 and since then, he is in the prison. He submitted that the applicant/accused is ready to abide by the conditions imposed by the Court if he is granted bail.

3. The learned Prosecutor has opposed the application. Though the Investigating Officer was directed him to appear before the Court, he is not present today. The learned Prosecutor has submitted that the role attributed to the father of the applicant/accused is different than the present applicant. The applicant/accused was aggressive and hence, he is not to be bailed out.

4. The applicant/accused prima facie is involved in the commission of the crime. He attacked Suresh and also complainant Vitthal. Perused the injury certificates of Suresh. It shows that he had sustained contusion on

temporal and parietal region. Vitthal had received one CLW. However, considering the injuries, the application is allowed with following conditions:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/-, with one or two solvent sureties in the like amount;
- ii) The applicant shall not enter the jurisdiction of Bhosari police station till 30th April, 2016, except for attending Court dates.
- iii) The applicant shall not tamper with the evidence;
- iv) The applicant shall not pressurise the complainant or the injured.

5. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)