

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 865 OF 2015

Prasanna @ Bablu Bhaguram Humne. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Kartik S. Garg, advocate for Applicant.

Ms. Rutuja Ambekar, APP for State.

Mr. Manjeetsingh Bagga, PI, Naupada Police Station.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JULY 9, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 19/12/2014 in
Crime No. 223 of 2014 registered at Naupada Police Station for
offence punishable under Section 307, 143, 148, 149 of the Indian
Penal Code.

3 It is the case of the prosecution that the complainant Sunil Gangaram Kondbhar had a quarrel with Shivaji Thakur on the ground of maintenance of accounts of Hindu Garjana Friends Club. It is alleged that on 8/6/2014 at about 11.30 p.m., the complainant was assaulted by Shivaji Thakur and his associates with swords and sticks. It is stated in the FIR that Shivaji Thakur, Ganesh Pawar were accompanied by 5 to 6 unknown persons. On the next day i.e. on 10/6/2014 supplementary statement was recorded and it is alleged in the supplementary statement that the present applicant was also present at the scene of offence and that he was threatening the witnesses. On this count, the applicant was arrested. Investigation is completed. Charge-sheet is filed.

4 The learned Counsel for the applicant has drawn attention of this Court to the medical certificate issued by Civil Hospital, Thane which shows that the complainant has sustained 3 simple injuries in the nature of contused lacerated wound. The allegations of assault are attributed to Shivaji Thakur and Ganesh Pawar. The overt act

attributed to the applicant is that he was brandishing weapon and threatening the witnesses. The learned Counsel submits that the applicant has been in jail for more than 6 months.

5 Taking into consideration the role attributed to the applicant, coupled with the fact that the investigation is completed and charge-sheet is filed and the applicant has been in jail for more than 6 months, this Court is inclined to grant bail in favour of the applicant on certain conditions.

6 The learned Counsel for the applicant submits that the applicant shall reside at Kalchi Wadi, Mukam Aadve, Post-Savarda, Taluka Chiplun, Dist. Ratnagiri, in the jurisdiction of Savarda Police Station after his release on bail.

7 The above observations are prima facie in nature. The same shall not be considered while deciding application for discharge or application for quashing of FIR or at the time of trial. The learned

trial Court shall decide the matter uninfluenced by the observations made by this Court.

8 Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or two local sureties in the like amount.
- (iii) The applicant shall not enter into jurisdiction of Thane Commissionerate for a period of 6 months.
- (iv) The applicant shall furnish the address of residence, cell number, landline number and other details to the investigating officer after he is released on bail.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)