

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1011 OF 2015

Deepak Jagganath Sangle @ Kothya ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Sandeep D. Sherkhane, advocate for Applicant.

Mr. S.H. Yadav, APP for State.

Mr. S.P. Gaikwad, ASI, V.B. Nagar 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 24th October,
2014 in Crime No. 221 of 2014 registered at Vinoba Bhave Police

Station for offence punishable under Section 307, 506 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 6/10/2014 Rupesh Nimse lodged a report at the police station that on 5/10/2014 when he was returning home, Dilip Manjarekar, Sagar Avghade and others met him and when they were chitchatting, suddenly Rajesh Gangurde and Deepak Sangle i.e. the present applicant and one unknown person had picked up quarrel with the complainant. Then Rajesh Gangurde and his friend had assaulted the complainant with hockey stick. He had sustained injuries. He was taken to K.B.Bhabha Municipal General Hospital. The injury certificate shows that he had sustained simple injuries and one grievous injury at right lateral to head. He was referred for further diagnosis to ascertain whether he would require surgery. He was then taken to L.T. M.G. Hospital, Sion. The medical certificate shows that he had sustained blunt trauma on his left eye, on forehead there is swelling and there were simple injuries.

4 The learned Counsel for the applicant has drawn attention of this Court to N.C. No. 1757/14 registered at V.B. Nagar Police Station on 4/10/2014 at the behest of the sister of the original accused No. 1 namely, Vaishali Vitthal Gangurde, wherein she has reported that on 4/10/2014 at midnight the accused namely Mangesh Tulaskar, Ravi, Rupesh & some others had picked up a quarrel with her brother and had assaulted him with fists and kick blows and also threatened him of dire consequences.

5 Taking into consideration the fact that the injuries sustained by the injured are simple in nature and that the applicant has been in jail for more than 6 months, this Court is inclined to enlarge the applicant on bail.

6 It is made clear that 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.

7 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 sureties in the like amount.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)