

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1055 OF 2015

Ramesh Rohidas Ganage

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Abhakumar Apte for the Applicant

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

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

DATE: **JULY 21, 2015**

P.C.:

1. The application is moved for bail as the applicant is facing charges under section 394 r/w section 34 of the Indian Penal Code in C.R. No.27 of 2015 registered with Dighi police station, Pune. One Kiran Suresh Higane, son of the injured, gave information to the police on 1.2.2015 that the applicant/accused Ramesh Ganage was interested in his land of 22 gunthas. He used to insist him to sell his land to him. However, his father was not happy about any transaction with the applicant. On 1.2.2015, Ramesh, on the pretext of going to Jejuri, took his father in his car and on the way, he alongwith two other associates assaulted his father with screw driver on his stomach, shoulder, leg, back and chest. Finally, the applicant/accused gave blow of stone on his head. He was injured. He fell down and thereafter Ramesh and other persons ran away. During the

assault, the applicant robbed him of his gold bracelet, gold chain and gold finger rings and then ran away. The applicant/accused was arrested on 7.2.2015 and hence, this application.

2. The learned Counsel for the applicant/accused has submitted that the statement of the injured Suresh was recorded on the next day i.e., 2.2.2015. At that time, he had stated that there were two unknown persons, who were taken in the car by Ramesh and all the three assaulted him. However, his supplementary statement was recorded on 10.2.2015. At that time, the injured has stated that there were no other persons but he was injured only by the applicant Ramesh and that he has wrongly mentioned that two unknown persons were also with the applicant/accused. He has stated so earlier because he was badly injured and was not well oriented. The learned Counsel pointed out that there is inconsistency in the statements of the injured himself and, therefore, the case of the prosecution prima facie appears to be doubtful. Hence, he is to be bailed out.

3. The learned Prosecutor has opposed the application and relied on the injury certificate. He submitted that there are multiple cut wounds on his body. He relied on the statement of the injured that he has specifically taken the name of the applicant/accused, who assaulted him and his gold ornaments were snatched by him during the assault.

4. Perused the FIR, both the statements of the injured Suresh dated 2.2.2015 and 10.2.2015. He has mentioned in his earlier statement that two unknown persons were present. However, earlier, he told that these two unknown persons were not there and that he might have stated about these two persons as he was injured.

5. Perused the injury certificate. It does not describe whether the injuries were simple or grievous. It is only stated that there were multiple cut wounds. The applicant/accused is in the prison since February, 2015 i.e., since last four months. In view of the allegations made, I am inclined to grant bail on the 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 sureties in the like amount;
- ii) The applicant shall not contact the complainant and his family members in any manner and shall not pressurise them or tamper with the evidence;
- iii) The applicant shall not indulge into any kind of offence while on bail;

iv) In the event of breach of any of the above conditions, the prosecution is at liberty to apply for cancellation of bail.

6. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)