

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1311 OF 2015

Siddharth Kailas Pardeshi	... Applicant
vs.	
The State of Maharashtra and Another	... Respondents

Mr. Niranjan Mundargi i/b. Mr. Pavan Patil, for the Applicant.
Mr. D.P. Adsule, APP for Respondent – State.

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

DATE: **JULY 22, 2015**

P.C.:

1. The application is moved for bail as the applicant/accused is facing charges for the offences punishable under Sections 307, 143, 147, 148 and 149 of the Indian Penal Code and under Section 4 read with 25 of the Arms Act and Section 37(1) read with 135 of the Bombay Police Act in C.R. No. 109 of 2015 registered with Faraskhana police station, Pune. The offence has taken place on 28th May, 2015 at Ganesh Peth, Pune. One Shabbir Shaikh gave the first information report.

2. It is the case of the prosecution that, on 28th May, 2015 at around 10 pm due to verbal altercations between the applicant/

accused and his friends and the complainant, the applicant/accused become aggressive and assaulted the complainant and his friends. The applicant/accused and his friends were holding sickles at the time of incident. It is the case of the prosecution that the applicant/accused gave blow of sickle on the head of one Izaz Ansari. He sustained bleeding injury. He was thereafter taken to the hospital. The applicant/accused was arrested on the next day 29th May, 2015. Since then he is in custody. Hence, this bail application.

3. The learned counsel for the applicant/accused has submitted that the applicant is a 22 years old student of second year of MCA and stood first in the college. Due to this incident, he is unable to take admission for the third year. He does not have criminal antecedents. Hence, he be bailed out.

4. The learned prosecutor opposed the bail application. He submitted that, nearly five persons were assaulted in this fight. The applicant/accused was arrested. The weapon of assault was also seized. A specific role is attributed to the applicant/accused in this incident that he gave blow of sickle on the head of one Izaz Ansari.

He submitted that one person Shahbaz was badly injured in this assault and he sustained grievous injury. Hence, the application be rejected.

5. Perused the first information report and the injury certificates. The applicant/accused was attributed a specific role of giving a blow on the head of one Izaz Ansari. The injury mentioned in the medical certificate of Izaz Ansari corroborates the description of the injury given in the first information report. However, the nature of the injury is simple. Considering the submissions made by the learned counsel for the applicant/accused that no antecedents are in the record against the applicant/accused and the applicant/accused is a student, I am inclined to grant bail to the applicant on the following terms and conditions.

6. Hence, I pass the following order.

- a) The application is allowed;
- b) The applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 20,000/- with one or two solvent surety/s in the like amount;

c) He shall cooperate with the investigating officer and shall attend the concerned police station twice in a week on every Tuesday and Sunday in between 6 pm to 7 pm till filing of the charge sheet.

d) He shall not indulge in any other criminal activity or pressurize the complainant and his persons.

7. The learned counsel for the applicant/accused has requested for temporary cash bail as the applicant/accused wants to take admission in third year of MCA.

8. The request for temporary cash bail is allowed. The cash bail of Rs. 20,000/- is to be accepted by the learned Magistrate and the time is granted to the applicant/accused to furnish appropriate security upto 10th August, 2015.

9. The bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)