

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1342 OF 2015

Jyotiram Harishchandra Kale .Applicant

v/s.

The State of Maharashtra .Respondent

Ms S.A.Prabhune, Advocate, for the Applicant
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R.No.409 of 2014 registered with the Baramati Police Station(Rural), Pune, for the alleged offences punishable under Sections 307, 452, 324, 323, 143, 147, 148, 149, 504, 506 r/w.34 of the Indian Penal Code.

3. The complainant is one Balasaheb Popat Pawar. He has alleged in his complaint that on 19.12.2014 at about 8.30 p.m. when he was sitting in front of his house, Prakash Taware & Sachin Nanavare residents of Nanavare Vasti, Tal. Baramati, Dist.Pune came towards him and questioned him as to why he had assaulted Sachin. Thereafter, at about 9.00 p.m., Prakash Taware, Sachin Nanavare, Bakya Taware, Abhijeet Nanavare, Nilesh Nanavare, Amol Mane, Somnath Bagav and the present applicant are alleged to have come to the house of the complainant, entered the house and assaulted him with fist and kick blows. It is alleged that the complainant was, thereafter, dragged out of the house and again assaulted. It is alleged that at that time, Kalavati, the mother of the complainant intervened, pursuant to which the accused abused her and assaulted her. It is alleged by Kalavati that the present applicant

assaulted her with an iron rod on her head as a result of which she sustained bleeding injury. Thereafter, co-accused Amol Mane is alleged to have assaulted Shahajahan Shaikh with an iron rod on the back side of the head and accused Haji Shaikh is also alleged to have assaulted with an iron rod and accused Nilesh Nanavare is alleged to have assaulted with kick and fist blows.

4. Learned counsel for the applicant submits that the applicant is falsely implicated in the said case and that the same is evident from the delay in lodging the FIR. She submits that even otherwise, according to the prosecution, the applicant is alleged to have assaulted Kalavati with an iron rod on her head, however, a perusal of the injury certificate shows that the nature of the injury sustained by Kalavati is a simple injury. She submitted that

the co-accused Amol Mane has been enlarged on bail despite the fact that he had assaulted assaulted Shahajahan Shaikh with an iron rod on the back side of his head and the nature of injury sustained being grievous in nature.

5. Learned APP states that the investigating officer is not present. However, she pointed out from the order passed by the learned Sessions Judge that the applicant has one antecedent.

6. Perused the charge-sheet, in particular, the statement of the complainant, Kalavati and Shahajahan Shaikh. It appears that Shahajahan has received a grievous injury but the said injury was not caused by the applicant. As far as the injury sustained by Kalavati is concerned, there is CLW on the right parietal region which is caused by a hard and blunt

object and is stated to be simple injury. Investigation is complete and charge sheet is filed.

7. Considering the nature of allegations and the material on record and the fact that the charge-sheet is filed, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Baramati Police Station(Rural), Pune Police Station on the first and third Sunday of every month between 10:00 a.m. to 11:00 a.m. for a period of 6 months and thereafter, on the 1st Saturday of every month till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant,

witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in

accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.