

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAILAPPLICATION NO. 1546 OF 2014

Kishan Babnurao Shinde	...	Applicant
vs.		(Accused No.6)
The State of Maharashtra	...	Respondents

Mr. A.P.Mundargi, Senior Advocate a/w Mr. S.V.Marwadi, a/w Mr. Kartik S. Garg, for the applicant
Mr.S.S.Pednekar, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 14th January, 2015.

P.C.

Heard the learned Senior Counsel.

2. This is an application under Section 439 of the Code of Criminal procedure, 1973. The applicant herein is arrested on 9.10.2013 in Crime No. 452 of 2013 registered at Vakola Police Station on 27.9.2013 for the offences punishable under Sections 307, 326, 324, 504, 144, 147, 148,149 of Indian Penal Code. The investigation is completed and charge-sheet is filed on 22.12.2013.

3. It is the case of the prosecution that Gajanan Chavan lodged a report at the police station on 27.9.2013 alleging therein that Manohar Chavan and Anil Chavan happen to be relatives. Manohar Chavan and the paternal uncle of Nitin

Chavan i.e. Prakash Chavan have a shop at Vakola Bridge. There was a dispute between Parbat Chavan with Manohar Chavan. According to the complainant, on 26.9.2013, at about 10.45 p.m., he was proceeding towards the open shed in the vicinity of his house. At that time, Nitin Chavan was seated on the bench. He was accompanied by Anil. At that time, he saw Manohar, Anil, Kishan Shinde, Pradip Naik and other female members alighted from a Scorpio Car. Some persons had come on the spot on two motorcycles. All the said persons were armed with iron rods, swords and other weapons. They had mounted assault upon Nitin and Anil. It is alleged in the first information report that the present applicant had assaulted Parbat Chavan. Upon perusal of the injury certificate annexed in the charge-sheet, it appears that Parbat Chavan had sustained one grievous injury on his left shoulder and one grievous injury on his left forearm. The recitals of the charge-sheet show that the applicant has assaulted Parbat Chavan and others and has committed offence punishable under Section 326 of IPC. Although the applicant is alleged to have been a member of the unlawful assembly, the other accused have been enlarged on bail. The applicant has been in jail for almost 15 months. In view of this, the applicant deserves grant of bail.

4. It is made clear that Manohar Chavan shall not claim parity with the present applicant and his application for bail shall be decided on its own merits.

ORDER

The application is allowed. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

Application is allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)