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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1394 OF 2015**

Bharat Jagannath Khandale	...Applicant
Versus	
The State of Maharashtra	...Respondent

CRIMINAL BAIL APPLICATION NO. 1550 OF 2015

Vinod Bapu Chandane	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Prakash Naik, i/b Mr.S.D.Kadam, for the Applicants

Mr.S.S.Pednekar, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 28th OCTOBER, 2015***

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By these applications, the applicants seek their enlargement on bail in connection with C.R. No.143 of 2014, registered with the Sahakarnagar Police Station, Pune, for the alleged offences punishable

under Sections 307, 323, 143, 147, 148, 149, r/w 34 of the Indian Penal Code and under Section 37(1) r/w 135 of the Bombay Police Act.

3. The complainant himself is an injured in the said case. According to the complainant, the incident took place on 19th June, 2014 at about 11.30 p.m., when he was proceeding towards the Khandagale Chowk. He has alleged that the present applicants and the co-accused arrived at the said place and started abusing him and thereafter, the applicant – Vinod Bapu Chandane assaulted him with a sword on his head and the applicant – Bharat Jagannath Khandale assaulted him with an iron pipe on his head, pursuant to which he sustained injuries and was taken to Sassoon Hospital, Pune, where he was admitted for about 3 days.

4. Learned Counsel for the Applicants states that considering the nature of allegations the applicants be enlarged on bail. He submitted that the injury certificate does not reflect the nature of injuries, whether they are simple or grievous. He further submitted that merely because there are antecedents, the applicants ought not to be denied bail.

5. Learned APP opposed the bail applications. He submitted that the complainant/injured has assigned specific roles to both the applicants. He further submitted that there are antecedents qua both the applicants. As far as applicant – Bharat Jagannath Khandale is concerned there are two cases registered as against him, one being C.R.No.95 of 2012 registered with the Sahakarnagar Police Station, Pune, for the alleged offences punishable under Sections 324, 323, 504 and C.R.No.82 of 2013 registered with the Vithalwadi Police Station, for the alleged offences punishable under Sections 307, 323 r/w 34 of the Indian Penal Code. As far as applicant – Vinod is concerned, he submitted that there is one antecedent of 2011 and the offence alleged is one under Section 324 of the Indian Penal Code.

6. Perused the papers. It appears that the complainant was assaulted on his head and that he has suffered left depressed parietal fracture. The said injury certificate is on page 72 of the application. The complainant has specifically stated in his complaint that applicant – Bharat Jagannath Khandale assaulted him with an iron pipe on his head, and applicant – Vinod Bapu Chandane assaulted him with a sword on his head.

7. Considering the aforesaid material as against the applicants as well as the antecedents of the applicants, this is not a fit case to enlarge the applicants on bail.

8. Accordingly, the Applications for bail are rejected and disposed of as such.

9. It is informed that the case is posted for framing of the charge. The learned Judge shall make an endeavour to dispose of the aforesaid case, as expeditiously as possible, and preferably within nine months from the date of receipt of this order.

10. It is made clear that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.