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

CRIMINAL BAIL APPLICATION NO. 1705 OF 2015

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|----|------------------------|---------------|
| 1. | Nitin Nandkumar Shinde | |
| 2. | Shivaji Uttam Shinde | ...Applicants |

Versus

State of Maharashtra	...Respondent
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Mr.Ganesh K. Gole, for the Applicants.

Ms.S.D.Shinde, APP for the Respondent – State.

Mr.Prashant R. Suryawanshi, i/b G.M.Savagave, for the Intervener/Original Complainant.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicants, learned counsel for the intervener and the learned A.P.P.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 152 of 2015, registered with the Shivaji Nagar Police Station, District - Kolhapur, for the alleged offences punishable under Sections 307, 147, 148, 149, 504 of the Indian Penal Code and under Section 37(1), 135 of the Bombay Police Act.

3. The complainant is one Zakir Badashah Jamadar, who is also an injured in the said case. He has alleged that some incident/quarrels had taken place about one year prior to the incident, between the applicant no.2's son and the complainant and that both the parties had lodged complaints against each other. He has alleged that on 1st August, 2015, at about 3.30 p.m. in the afternoon, the applicant no.2 - Shivaji Uttam Shinde came alongwith his nephew i.e. applicant no.1 - Nitin Nandkumar Shinde and one Appaso @Annappa Shivaji Pachakwade and two other boys. He has alleged that the said persons started abusing him and suddenly the present applicants picked up stones from the road side and threw it on the complainant's head, pursuant to which he fell down. Thereafter, the complainant was taken to the hospital by Altaf Shaikh, Kadar Shaikh and others for treatment.

4. Learned Counsel for the Applicants states that the incident in question appears to have taken place at the spur of moment. He states that it is not the allegation that the applicant was armed with any weapon. He relied on the injury certificate which is on page 55 of the application, to show that the complainant had sustained 'CLW on the left parietal region of

head, bone deep, bleeding, fresh' and abrasions. He submitted that neither of the injuries are stated to be grievous injuries.

5. Learned APP opposed the bail application. She states that the charge sheet in the said case is likely to be filed within ten days from today.

6. Perused the papers and the injury certificate. The injuries appear to be 'CLW on the left parietal region of head, bone deep, bleeding, fresh ' and the other injury is on the chin. It appears that the incident in question has taken place on the spur of moment, in which the applicants picked up stones from the roadside and threw it on the complainant. The applicants have been custody since the date of their arrest.

7. Considering the nature of allegations and the fact that investigation is almost over, the applicants deserve to be enlarged on bail on the following terms and conditions :

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in

the sum of Rs.20,000/- each with one or two sureties in the like amount;

(ii) The applicants shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., for a period of 6 months from the date of filing of the charge-sheet ;

(iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicants to cooperate with the conduct of the trial.

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.

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

REVATI MOHITE DERE, J.