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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1901 OF 2015**

Sagar Vishwanath Rupnawar-Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Kuldeep S.Patil, i/b P.S.Hagare, for the Applicant

Mr.S.H.Yadav, A.P.P for the Respondent-State

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

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 48 of 2015, registered with the Walchandnagar Police Station, Pune, for the alleged offences punishable under Sections 307, 504 of the Indian Penal Code.
3. The complainant is one Rohit R. Rupnawar, who is also an injured in the said case. He has alleged that the incident took place on 5th

April, 2015 when he had gone to see Kusti Akhada at the Village fair at Kurawali, Taluka – Indapur. According to the complainant, his cousin brother – Nikhil was also playing in the said Kusti Akhada. It is alleged that at the time of the Kusti Akhada, the present applicant started pelting small stones towards the cousin brother of the complainant. It is stated that when the complainant asked the present applicant as to why he was pelting stones, it is alleged that the applicant became enraged and stabbed the complainant in his abdomen and ran away from the spot.

4. Learned Counsel for the Applicant submitted that the incident in question had taken place at the spur of moment, without any premeditation and that the complainant was assaulted with a kitchen knife. He submitted that the injury sustained by the complainant is not a grievous injury and that the complainant was discharged from the hospital on the same day. He submitted that even the applicant had received grievance injuries in the said incident, as he had broken his jaw and was hospitalised for about one month.

5. Learned APP submitted that the complainant was admitted in

the hospital for about 10 days. A perusal of the injury certificate shows that there was a wound on the left hypocondrial region and he was advised ULC of the abdomen and pelvis. He states that the present applicant has no antecedents.

6. Perused the papers. It appears that the said certificate which is relied on by the learned APP is of Sanjeevani Hospital, which is a Private Hospital. It also appears that the applicant was in hospital, pursuant to the injury sustained by him in the said incident. He submitted that the applicant came to be arrested, for the aforesaid offences on 31st August, 2015. It appears that the incident in question had taken place at the spur of moment.

7. Considering the nature of allegations, the applicant is enlarged on bail on the following terms and 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 concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., for a period of 12 months from the date of filing of the charge-sheet ;

(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 in 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.