

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

BAIL APPLICATION NO.2076 OF 2015

Dyneshwar @ Aba Vibhishan Dain ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ashok Munderggi, Senior counsel i/b. Mr. Ritesh Thobde
for the Applicant.

Ms Veera Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 23rd NOVEMBER, 2015.

P. C. :

This is an application for bail filed by the Applicant herein, who is an accused in Crime No.82 of 2015 registered with Karmala Police Station, Dist. Satara for the offences punishable under sections 307, 323, 324, 143, 147, 148, 149, and 506 of the IPC and under section 135 of the Bombay Police Act.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent-State.

3. The learned counsel for the Applicant has submitted that the Applicant is alleged to have assaulted Nilkanth Deshmukh by

means of an iron bar. He has submitted that though said Nilkanth Deshmukh, is alleged to have sustained several injuries, except injury No.4 all other injuries are simple in nature. He has further submitted that the charge sheet has already been filed and the co-accused is already on bail.

4. The learned APP has submitted that one of the iron rods has been recovered at the instance of the Applicant and that there is prima facie material to show the involvement of the Applicant in the alleged crime.

5. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The records prima facie reveal that pursuant to the complaint lodged by one Suryakant Tukaram Deshmukh, the aforesaid crime came to be registered. Material on record prima facie indicates that the Applicant herein alongwith others had assaulted the complainant and others. The Applicant is alleged to have assaulted Nilkanth Deshmukh and inflicted injuries on him by means of an iron rod and had thus caused him grievous injuries. There is no prima facie material to show that the victim had sustained any injury on the vital part of the body. On the contrary, the medical certificate reveals that the injury sustained on

parietal region was simple in nature. It is further to be noted that the Applicant is in custody since 29th March, 2015. Investigation is already completed and charge-sheet is already filed and the presence of the Applicant is no longer required in the custody. The Applicant is the permanent resident of Wangi, Taluka-Karmala, Dist. Solapur and there are no chances of the Applicant absconding. Considering this fact and also considering the fact that the other co-accused is already released on bail, in my considered view, the Applicant is also entitled to be released on bail. Hence, the bail application is allowed on the following terms and conditions:-

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge, Barshi.
- (ii) The Applicant shall attend the Karmala police station, Solapur, on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., 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 to cooperate with the conduct of the trial.

(ANUJA PRABHUDESSAI, J.)