

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

BAIL APPLICATION NO.2377 OF 2015

Umesh Balu Awale

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. S.S. Prabhune for the Applicant.

Ms G.P. Mulekar, APP for the Respondent - State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 11th DECEMBER, 2015.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who has been arrested in Crime No.362 of 2015 registered with Baramati Police Station, Pune, for the offences punishable under sections 323, 324, 325, 326, 504 and 506 of the Indian Penal Code r/w. section 34 of the IPC.

2. Mr. Prabhune, the learned counsel for the Applicant submitted that there is no prima facie material on record to show that the Applicant was involved in the offence punishable under section 326 of the Indian Penal Code. The Applicant is in custody since 23.10.2015. He has further submitted that the investigation is completed and his

presence is no longer required in the custody.

3. Ms G.P. Mulekar, the learned APP submits that the Applicant had inflicted grievous injury on the victim. She has further submitted that the other accused are absconding and if the Applicant is released on bail possibility of his interfering with the victim and witnesses cannot be ruled out.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The FIR in the present case was lodged by Kiran Ahole wherein he had alleged that on 21.10.2015 at about 8.30 p.m. while he was proceeding on his Motor Cycle No.MH42-P-3610 he had seen the Applicant and the others consuming alcohol. He has stated that the Applicant and others had abused him and thereafter assaulted him with sticks. He had stated that the Applicant inflicted stick on his left hand. The medical certificate prima facie reveals that the Applicant had sustained grievous injury. It is to be noted that the complainant was assaulted by means of wooden sticks, which cannot prima facie be termed as a dangerous weapon. The nature of the allegations levelled against the Applicant, in my considered view do not prima facie disclose the offence punishable under section 326 of the IPC. The investigation as against this

Applicant is already completed and his presence is no longer required in the custody. Considering the above facts, so also the nature of the allegations levelled against the Applicant, the Applicant is entitled for bail.

5. Under the circumstances, the application is allowed on the following terms and conditions:-

(I) The Applicant be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand onnly) with one or two sureties in the like amount to the satisfaction of the J.M.F.C., Baramati.

(II) The Applicant shall not interfere with the complainant or witnesses in any manner.

(III) The Applicant shall not visit village Sawal for a period of two months from the date of this order.

(ANUJA PRABHUDESSAI, J.)