

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2637 OF 2014

1 Suraj Jagannath Khandale.
2 Ganesh Prasad Khadare. ... Applicants.
Versus
The State of Maharashtra. ... Respondent.

....

Mr. Shriram S. Kulkarni, advocate for Applicants.

Ms. Veera Shinde, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 9, 2015

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State. Perused papers.

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicants herein are arrested on 20/6/2014 in
Crime No. 143 of 2014 registered at Sahakarnagar Police Station,
Pune initially for offence punishable under Section 307, 323 read with
Section 34 of the Indian Penal Code. Subsequently, Sections 143,

147, 148, 149 have been added. The investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that on 19/6/2014 the complainant i.e. Dadya had been to Khandale chowk. It is alleged that Bharat Khandale, Amol Bhise, Vinod Chandane and others had mounted assault upon him as according to them he was trying to build his power and call himself as Bhai. He has sustained injuries at the hands of the accused. He was admitted in the hospital by they neighbours living in the vicinity. It is pertinent to note that the name of the applicant No. 2 does not appear in the first information report. The role attributed to the present applicant No. 1 is that he had assaulted with fist and kick blows. On the basis of the statements of neighbours and the injured Sections 143, 147, 148, 149 of the Indian Penal Code were added. The case is committed to the Court of Sessions and is registered as Sessions case No. 669 of 2014.

4 Prima facie, it appears that Sections 143, 147, 148, 149 of the Indian Penal Code were added subsequently. The complainant was discharged from the hospital within four days. No overt act is attributed to the present applicants.

5 The learned Counsel for the applicants submits that since the applicants are residents of the same locality their present cannot be ruled out. However, they cannot be said to be liable for offence punishable under Section 307 or 323 of the Indian Penal Code.

6 The learned APP upon instructions submits that the present applicants do not have any criminal antecedents.

7 In the facts and circumstances of the case, the present applicants deserve to be enlarged on bail. However, it is made clear that the co-accused i.e. Vinod Chandane, Bharat Khandale and Amol Bhise shall not claim parity with the present applicants.

8 The observations made hereinabove are prima facie in nature. The same shall not be considered for deciding application for seeking discharge or application for quashing of FIR or at the time of trial.

9 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each and one or two sureties in the like amount.
- (iii) The applicants shall not tamper with the evidence.

10 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)