

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2419 OF 2015

Nanji @ Vikas Dhananjay Babar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Rupesh A Zade, Adv. for the applicant.

Mr. J.H. Ramugade, APP for the State.

B.M. Khandagale, ASI, Baramati Police Station, Pune Rural.

CORAM : SMT ANUJA PRABHUDESSAI, J.

DATE : 14th December, 2015.

P.C. :

1. This is an application for bail filed by the aforesaid applicant who has been arrested in Crime No.312 of 2015 registered at Baramati Taluka Police Station for offences punishable under Sections 307, 323, 324, 143, 147, 148, 149, 504 and 506 of IPC.

2. The case of the prosecution is that on 11th September, 2015, the applicant and others formed unlawful assembly, armed with deadly weapons and that they assaulted the first informant Jagdish Popat Darade and others by means of swords. The applicant herein was arrested on 3rd November, 2015. The bail application being Cri. Bail Application No.764 of 2015 filed before the Sessions Court came to be dismissed vide order dated 3rd December, 2015. The applicant

has, therefore, filed the present application for bail under Section 439 of Cr.P.C.

3. Mr. Zade, the learned counsel for the applicant has submitted that there is no prima facie material to show the involvement of the applicant in committing the offence under Section 307 of IPC. He has stated that the investigation is completed and the presence of the applicant is not required in the custody.

4. Mr. Ramugade, the learned APP for the State has submitted that there is prima facie material on record to show that the applicant is involved in committing serious offence. He has submitted that considering gravity of the offence, the applicant is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The FIR lodged by Jagdish Darade prima facie reveals that on 11th September, 2015 at about 4.15 pm, the applicant and others, were armed with swords and other weapons and that they had abused him and his friends. He has stated that the applicant

herein sprayed chilly powder in his eyes and inflicted a blow of sword on his head with an intention of causing his death. It may be mentioned that the medical certificate prima facie reveals that the first informant had a liner abrasion on the right scapular region. The said injury is stated to have been caused by hard and blunt object. The doctor has opined that the injury was simple in nature. The records further reveal that the injuries sustained by the other witnesses were also simple in nature.

6. The nature of the injury sustained by the applicant and the other witnesses, in my considered view, prima facie would not attract the provisions of Section 307 of IPC. Even otherwise the applicant is in custody since 3rd November, 2015 and investigation against this applicant is already completed. His presence is not required in custody for further investigation. The applicant is a permanent resident of Pimpali, Tal. Baramati, Dist. Pune and there are no chances of him absconding and thwarting the course of justice. Under these circumstances, the applicant is entitled for bail.

7. Hence the application is allowed on the following terms and conditions :

1. The applicant shall be released on bail bond of Rs.20,000/ (Rupees Twenty Thousand Only) with one or two sureties in the like amount to the satisfaction of the Sessions Judge, Baramati.
2. The applicant, till filing of the chargesheet, shall not leave Pune district, without prior permission of the Sessions Judge, Baramati.
3. The applicant shall not tamper with the evidence or influence the complainant and witnesses, in any manner.

(ANUJA PRABHUDESSAI, J.)