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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2750 OF 2014

Mangal Kondy Jadhav ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr.Raj J. Khude, for the Applicant.

Ms.Rutuja Ambekar, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATED : 2nd MARCH, 2015.

PC.

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-322 of 2014 registered with the Waliv Police Station, Thane, for the alleged offences punishable under Sections 147, 148, 149, 323, 326, 302, 506 of the Indian Penal Code.

3. Learned Counsel for the Applicant contended that the complainant – Rambabu Sahani, had lodged a complaint with regard to an incident that had taken place on 25th July, 2014. He submitted that from a perusal of the statement of the complainant, it is evident, that neither the full name of the applicant is mentioned by the complainant, in his complaint nor has any role been assigned to the applicant. He submits that although a bamboo stick has been recovered at the instance of the applicant, the complainant – Rambabu Sahani, has not attributed any overt act of assault on the deceased or the injured, by the applicant. He submits that the two injured eye witnesses, Vakil Yadav and Ranjit Sahani, have disclosed that the applicant had inflicted a blow with a bamboo stick on them. He submitted that there is nothing on record to show, that the applicant inflicted any injuries on the deceased.

4. Learned APP does not dispute the aforesaid fact and the fact that the complainant had not stated the exact role played by the applicant in the assault on the deceased.

5. Perused the statements and Injury Certificates of the injured. The injuries sustained by the injured witnesses are simple in nature. On

a perusal of the statement of the complainant and the injured witnesses, there is prima-facie some discrepancy in the role allegedly played by the applicant, with regard to the assault on the deceased. Considering the said fact, the Applicant deserves to be enlarged on bail on the following terms and conditions ;

ORDER

- i) The Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall attend the Waliv Police Station, Thane, on 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 give his present address and telephone number to the Waliv Police Station, Thane ;
- iv) If there is change in the address, the Applicant shall inform the same to the Waliv Police Station, Thane ;
- v) The Applicant shall co-operate with the conduct of the trial and shall not tamper or attempt to contact/

influence either the complainant or any persons concerned with the case ;

- vi) It is made clear that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. The aforesaid observations 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.

8. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)