

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 5396 OF 2016

Sunny @ Mahendra s/o. Rajendra Khetal .. Applicant
Age. 24 years, Occ. Labourer,
R/o. Hatkarwadi, Chittod Road,
Dhule, Tq. & Dist. Dhule.

Versus

The State of Maharashtra .. Respondent

Mr.C.R. Deshpande, Advocate for the applicant.
Mr.S.M. Ganachari, APP for respondent/State.

**CORAM : A.M. BADAR,J.
DATED : 07.10.2016**

P.C. :-

1. The applicant/accused in Crime No.172 of 2016 registered with Dhule City Police Station, Dist. Dhule, for the offence punishable under section 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, by this application, is seeking his release on bail.

2. Heard learned Counsel appearing for the applicant/accused. By drawing my attention to ground

No.9, learned Counsel argued that now the injured is discharged from the hospital and is following regular pursuits and therefore there is no possibility of aggravation of offence. Learned Counsel further argued that trivial role is attributed to the applicant in crime in question.

3. Learned A.P.P. opposed the application by contending that as seen from the statement of witness, present applicant and his associates are terror in the locality and therefore he is not entitled for bail. Learned A.P.P. further argued that accused persons have formed an unlawful assembly and assaulted the injured Sonu alias Sunil Ashok Patil, thereby attempting to kill him.

4. Perused the papers of investigation. According to the prosecution case, present applicant and his associates are wielding reign of terror in the locality and on 04.08.2016 by forming unlawful assembly they assaulted Sonu alias Sunil Ashok Patil by means of baseball bat and sticks. It is seen that injured Sonu had suffered several injuries, out of which, some are grievous as stated by the Medical Officer. The papers of investigation show that necessary investigation qua the present applicant is already over. There is nothing on

record to show that ground No.9 raised in the petition is devoid of substance. As injured is discharged from the hospital and as necessary investigation qua present applicant is over and considering his role in the incident, his pre-trial detention is not warranted. Learned Counsel for the applicant has stated that the applicant will abide the conditions including the condition to be away from any locality as directed by this Court. Therefore, the following order :-

O R D E R

- i) The application is allowed.
- ii) Applicant/accused-Sunny @ Mahendra s/o. Rajendra Khetal in Crime No.172 of 2016 registered with Dhule City Police Station, Dist. Dhule, for the offence punishable under section 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, be released on bail on executing P.R.Bond of Rs.30,000/- [Rupees Thirty Thousand] and on furnishing surety in the like amount.
- (iii)As a condition of this Order, the applicant should keep himself away from the territorial limits of Dhule City Police Station, till disposal of the trial against him.

(iv) The applicant to furnish his address as well as change in address, if any, in future to the jurisdictional police station.

(v) The applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(vi) The applicant shall not tamper the evidence of the prosecution.

(vii) The applicant shall not repeat commission of offence of similar nature in future.

[A.M. BADAR, J.]