

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

BAIL APPLICATION NO.29 OF 2016

Suraj Hanumant Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. D.D. Rananware for the Applicant.

Mr. Y.M. Nakhawa, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE :12th FEBRUARY, 2016.

P. C. :

This is an application for bail, filed by the aforesaid Applicant, who was arrested in Crime No.1 of 2015 registered at Pusegaon, District-Satara, for offences punishable under sections 307, 324, 323, 143, 147, 149, 427, 504 and 506 of the IPC.

2. The case of the prosecution in brief is that on 2.1.2015 at about 6.45 p.m. the Applicant and the other co-accused formed an unlawful assembly armed with deadly weapon and assaulted the complainant Vikas Jadhav and thereby attempted to cause his death. It is also alleged that the Applicant had abused and threatened the complainant. Pursuant to the said FIR the aforesaid crime was registered. The Applicant was arrested on 15.11.2015. Upon

completion of the investigation charge-sheet was filed and the case being sessions triable was committed to the Sessions Court, Vaduj, District- Satara. The Applicant had filed a bail application, which was rejected by Additional Sessions Judge, Vaduj, by order dated 11th December, 2015. Hence, the present application.

3. Mr. Rananware, the learned counsel for the Applicant has submitted that the material on record does not prima facie indicate that the injuries were inflicted on the vital part of the body of the complainant. He further submitted that the injuries are simple in nature, hence, section 307 of the IPC is not attracted.

4. Mr. Nakhawa, the learned APP has submitted that the FIR and the statement of the witnesses prima facie indicate that the Applicant was a member of the unlawful assembly and he had inflicted injury on the complainant.

5. 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 and the statements of the witnesses prima facie indicate that on 2.1.2015 at about 3.00 p.m. the Applicant and others who were armed with wooden sticks formed an unlawful assembly and assaulted Vikas Jadhav. The material on record prima

facie indicates that the Applicant herein had inflicted blow on the face and lips of the complainant. The medical certificate prima facie reveals that the complainant had CLW over his head, which was simple in nature. The complainant had stated that co-accused Vijay had inflicted blow of wooden stick on his head and the Applicant herein had given a blow on his lips. The medical certificate does not indicate that the complainant was suffering from any serious injury on the lips or face. The nature of the allegations levelled against the Applicant and nature of the injuries sustained by the complainant, in my considered view, do not justify further detention. Hence, this is a fit case for grant of bail. Even otherwise the Applicant is in custody since November, 2015. Investigation is complete and charge-sheet is filed.

6. Under the circumstances and in view of discussion supra, the application is allowed on the following terms and conditions:-

- (i) The Applicant is ordered to be released on bail on furnishing bail bond of Rs.20,000/- with one surety to the like amount to the satisfaction of Additional Sessions Judge, Waduj.
- (ii) The Applicant shall not interfere with the complainant or other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)