

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

CRIMINAL BAIL APPLICATION NO. 79 OF 2016

Vicky @ Vikas Ramavtar Khandelwal ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Kedar Patil for the Applicant

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

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 14, 2016.**

P.C.

1. At the outset, the learned counsel for the applicant seeks leave to annex copy of the order dated 2.1.2016. Leave granted.
2. This application for bail is filed by the aforesaid applicant who is arrested in crime no.177 of 2015 registered at Shivaji Nagar Police Station, Ichalkaranji, Kolhapur for offences punishable under Section 143, 147, 148, 149, 323, 504 of the Indian Penal Code.
3. The case of the prosecution in brief is that on 20.9.2015 the applicant, along with the other co-accused assaulted the complainant

Swapnil Santosh Phatle by means of a plastic pipe.

4. Mr. Patil, the learned Counsel for the applicant submits that the injuries sustained by the complainant are simple in nature. He therefore claims that the applicant is entitled for bail. Learned Counsel for the applicant further submits that there was previous enmity between the applicant and the complainant and that the applicant herein had lodged a complaint against the complainant for offence under Section 307 of IPC, therefore the possibility of the applicant being falsely implicated cannot be ruled out.

5. The learned APP submits that though the complainant had sustained simple injuries, there are several criminal antecedents against the applicant and that several orders were passed directing him to stay out of the jurisdiction of Ichalkaranji Village, and despite the said orders, the applicant has entered the said village and committed the said offence.

6. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

7. The records reveal that there was previous enmity between the complainant and the applicant. The records further reveal that on

20.9.2015 the applicant along with the other co-accused had taken the complainant to the construction site near Jai Bhimakar Slums and thereafter he was abused and assaulted by means of plastic pipe and wooden sticks. The applicant had assaulted him with plastic pipe and the other co-accused assaulted him by wooden stick, kicks and blows etc. The complaint does not prima facie indicate that the applicant had come armed with any weapon, on the contrary the complaint reveals that the applicant had picked up a plastic pipe from the scene of the offence, which fact prima facie reveals that the incident was not premediated. The medical certificate indicates that the injuries sustained by the complainant were simple in nature.

8. Considering the above facts and circumstances, and in view of the discussion supra the applicant is granted for bail on the following terms and condition:

- i) The applicant be released on bail on applicant -furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned JMFC at Ichalkaranji.
- ii) The applicant shall not interfere with the complainant and the

other witnesses in any manner.

iii) The applicant shall stay away from the jurisdiction of Ichalkaranji for a period of three months.

iv) The applicant shall furnish is temporary as well as permanent address to the Investigating Officer.

(ANUJA PRABHUDESSAI, J.)