

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.227 OF 2016

Rakesh Shankar Kasegaon & Ors.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Priyal G. Sarda, Adv. for the applicants.
Mrs. R.M. Gadhvi, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 5th February, 2016.

P.C. :

1. This is an application for bail by the aforesaid applicants who are arrested in Crime No.4 of 2016 registered with Foujdar Chawdi Police Station for offences punishable under Section 143, 147, 148, 149, 307, 326, 323 & 336 r/w. 34 of the IPC.

2. The case of the prosecution in brief is that on 3rd January, 2016 at about 4.30 pm, the applicants and the other members of the unlawful assembly who were armed with deadly weapons inflicted injuries on the complainant Tejas Karanje and Ranjeet Jadhav. Said Tejas had lodged the FIR dated 3rd January, 2016, pursuant to which aforesaid crime was registered. The applicant No.1 was arrested on 19th January, 2016 and the applicant Nos.2 and 3 were arrested on

18th January, 2016. The bail application filed by the aforesaid applicants was rejected by the Addl. Sessions Judge-3, Solapur by an order dated 30th January, 2016. Hence the present application.

3. Mr. Sarda, the learned counsel for the applicants submits that, the FIR and the other material on record does not prima facie indicate that the applicants herein were armed with deadly weapons or that they had caused any serious injury to the complainant and other witnesses. He submits that the presence of the applicants is no longer required in the custody and that they be released on bail.

4. Mrs. Gadhvi, the learned APP for the State submits that one of the injured witnesses Ranjeet Jadhav had sustained grievous head injuries. She has further submitted that the applicants were the members of the unlawful assembly which had caused grievous injuries to the said Ranjeet Jadhav. She has submitted that investigation is in progress and hence the applicants are not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the applicants and the learned APP for the State. The FIR prima facie reveals that on 3rd January,

2016 near Khan Masjid, the applicants and other had formed an unlawful assembly and had inflicted injuries on the complainant and the other witnesses. The FIR does not reveal that the applicants herein were armed with deadly weapons or that they had inflicted injuries on the vital part of the complainant or the injured witnesses. The medical records reveal that except Ranjeet, the injuries sustained by the complainant and the other witnesses are simple in nature. The FIR as well as the statements of witnesses indicate that grievous injury sustained by Ranjeet was inflicted by the co-accused Akshay Bindri. The nature of the allegations levelled against the applicants do not justify further detention. It is also to be noted that the applicants are the permanent residents of Solapur and there is no possibility of the applicants absconding.

6. Considering all the above facts and circumstances, the application is allowed on the following terms and conditions.

- i) The applicants be released on bail on furnishing bail bond of Rs.25,000/(Rupees Twenty five Thousand Only) each with one solvent surety in the like amount to the satisfaction of the JMFC, Solpaur.
- ii) The applicants shall not interfere with the complainant or any

other witnesses in any manner.

- iii) The applicants shall not leave district Solapur till filing of the chargesheet without prior permission of the JMFC, Solapur.
- iv) The applicants shall report the investigating officer as and when required.

(ANUJA PRABHUDESSAI, J.)