

nsc.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 536 OF 2016**

Arun Dattatraya Jannvekar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Ganesh Gole i/b Mr.Ritesh Ratnam, for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

PSI – Pandit Kalyanrao Maske – Shivajinagar Police Station, Ichalkaranji, Kolhapur.

***CORAM : REVATI MOHITE DERE, J.
DATE : 17th MARCH, 2016***

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 05 of 2016, registered with the Shivajinagar Police Station, Ichalkaranji, Kolhapur, for the alleged offences punishable under Sections 307, 452, 341, 323 r/w 34 of the Indian Penal Code.

3. It is alleged by the complainant -Vimal Kumar Dongre, the mother of the injured – Prashant Kumar Dongre that the incident took place on 6th January, 2016 at about 8.30 p.m. She has alleged that soon after her injured son reached home, Ananda @Papya Dattatraya Jannvekar (accused no.1), present applicant - Arun D. Jannvekar (accused no.2); Amar Mane (accused no.3) and Pintu Salunkhe entered her house and that Amar Mane asked the injured 'Tula Lai Masti Alla Kay'. She has alleged that Amar Mane pulled out a knife from his pocket and assaulted the victim on his chest and back with a knife. It is alleged that the present applicant along with other co-accused assaulted the injured with fists and kick blows.

4. Learned Counsel for the Applicant states that it was Amar Mane who has caused an injury with the knife. He submitted knife was pulled out by Amar Mane from his pocket and therefore the applicant could not be attributed to the common intention of causing the injuries on the deceased. He submitted that the only allegation, qua the present applicant is that he gave fist and kick blows. He submitted that there are no allegations, qua the present applicant and that the applicant has been in custody since 7th January, 2016.

5. Learned APP states that although the applicant is alleged to have assaulted the injured with fist and kick blows, it appears that all the accused had come to the spot, with the intention of assaulting the injured.

6. Perused the papers, in particular the statement of the injured – Prashant Dongre. He has alleged that all the accused came into the house and it was Amar Mane who slapped him first, pursuant to which the applicant and other accused assaulted him with fist and kick blows and thereafter, Amar Mane pulled out a knife from his pocket and assaulted the injured on his chest and back.

7. Perused the injury certificate. There are two stab injuries on the person of the injured. The applicant has no antecedents. Considering the role attributed to the applicant, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicant is enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer on every Saturday between 10:00 a.m. to 11:00 a.m., till the filing of the charge sheet and thereafter on the first Saturday of every month between 10:00 a.m. to 11:00 a.m, for a period of 12 months;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear, that the observations made herein 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.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.