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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2251 OF 2015**

1. Santosh Ashok Shinde
 2. Amol Hanumant Yadav
- ...Applicants

Versus

The State of Maharashtra

...Respondent

Mr.Niteen Pradhan, i/b Mr.V.V.Jain, for the Applicants.

Mr.D.P.Adsule, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 4th APRIL, 2016***

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 57 of 2015, registered with the Kurduwadi Police Station, Solapur, for the alleged offences punishable under Sections 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.
3. At the outset, learned counsel for the applicants on instructions,

does not press the application, qua applicant no.1. He states that the applicant no.1 be granted liberty to file a fresh application for bail, after the complainant, who is an injured witness in the present case, is examined. As far as applicant no.2 is concerned, he submits that the applicant no.2 is alleged to have assaulted the injured with a sword, however there is only one single injury on the complainant's head. He submitted that similarly placed co-accused, who are alleged to have assaulted the injured with iron rods on the hands and legs have been enlarged on bail. He further submitted that there are no antecedents, qua the applicant no.2.

4. Learned APP does not dispute the fact that there are no antecedents, qua the applicant no.2.

5. Perused the charge-sheet. It appears that there is only one single injury on the head of the complainant, which is an incised wound on an scalp. A perusal of the complainant's statement shows that all the accused, including the applicant no.2 are stated to have come there armed with swords, hockey sticks. He has stated that when he fell down, Santosh Shinde assaulted him on his head with a sword. According to him,

thereafter each of the accused assaulted him with a weapon; Avinash Salunke with an iron rod on his hands and legs; the applicant no.2 with a sword on his head; Sagar Yadav with an iron rod on his hands and legs etc. The other co-accused who are also alleged to have assaulted the complainant with iron rods on other parts of the complainant's body, have been enlarged on bail. The applicant no.2 has no antecedents.

6. Considering the same, the application is allowed, qua the applicant no.2. The applicant no.2 is enlarged on bail on the following terms and conditions :

ORDER

(i) The Applicant no.2 be 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 no.2 shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. for a period of 12 months from the date of his release;

(iii) The Applicant no.2 shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant no.2 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 no.2 to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant no.2 bail.

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

8. As far as applicant no.1 is concerned, he is at liberty to file an appropriate application seeking his enlargement on bail, after the evidence of complainant is recorded. If such an application is filed by applicant no.1, the learned Sessions Judge shall decide the same on its own merits, uninfluenced by the withdrawal of the application, qua the applicant no.1.

9. It is also 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.