

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 162 OF 2016**

Jayvant Pamrao Bhudhavale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Y. D. Dalvi for the Applicant

Mrs. S. P. Mulekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 22nd APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 1 of 2015 registered with the Pusegaon Police Station, Satara, for the alleged offences punishable under Sections 307, 324, 323, 143, 147, 149, 427, 504, 506 r/w 34 of the Indian Penal Code.

3. The complainant is Vikas Vilas Jadhav. He is also an injured witness in the said case. He has alleged that in the incident which took

place on 2nd January, 2015, Vijay Khavle, Suraj Jadhav, Sachin Budhavale, the present applicant and 3 to 4 unknown persons assaulted him with wooden logs, fighter and with a stone.

4. Learned Counsel for the applicant submitted that the allegation against the applicant is similar to that of co-accused Sachin Budhavale, who has been enlarged on bail. He submits that the applicant is alleged to have assaulted the complainant/injured with a wooden log along with Sachin Budhavale and 3 to 4 unknown persons. He submitted that the statement of the applicant that he was assaulted with wooden logs, stone, and fighter is contrary to the injury certificate of the complainant, which is at page 40 of the application. He submits that the only injury which is shown in the injury certificate is a CLW over the head caused with a hard and blunt object and the nature of injury is stated to be a simple injury.

5. Perused the papers. Considering the alleged role played by the applicant and the injury certificate and the fact that co-accused Sachin Budhavale has been enlarged on bail, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) The applicant shall inform his latest place of residence and mobile contact number within two weeks of his release, 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;
- (iv) The applicant to cooperate with the conduct of the trial;
- (v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.
7. 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.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.