

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

CRIMINAL BAIL APPLICATION NO.184 OF 2016

Somnath R. Jadhav ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Rupesh Zade for the Applicant
Mrs. R.M.Gadhvi, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 29, 2016.**

P.C.

1. This is an application filed under Section 439 of Cr.P.C. by the aforesaid applicant who has been arrested in C.R.No.236 of 2015 registered with Vadgaon Nimbalkar Police Station, for offences under Section 143, 147, 148, 307, 324, 325, 427, 506 of the Indian Penal Code.

2. The case of prosecution in brief is that on 18.12.2015 the applicant along with other co-accused formed an unlawful assembly , armed with deadly weapons. It is alleged that the applicant and the

other co-accused had inflicted injuries on the complainant Dhondiram and other witnesses namely Sanjay Jadhav, Mahadev Sawant and Rahul Jadhav by means of swords, pipes and sticks etc. The said crime was registered pursuant to the FIR dated 20.12.2015, lodged by Dhondiram. The applicant was arrested on the same day. The applicant had filed application for bail before the Addl. Sessions Judge, Baramati. The said application came to be dismissed by order dated 16.1.2015 and hence the present application.

3. The learned Counsel for the applicant submits that the FIR prima facie reveals that the applicant was not involved in inflicting injury on the complainant or the other witnesses. He has further stated that the FIR does not prima facie disclose essential ingredients of Section 307 IPC. He has submitted that the applicant is in custody since 20.12.2015. He has further that the investigation is completed, the injuries are not serious injuries and thus further detention of the accused in custody is not justified.

4. The learned APP submitted that the applicant was member of unlawful assembly which was armed with deadly weapon. She further submitted that the applicant and the other members of the

said unlawful assembly had inflicted injuries on the complainant and the four members. She has further submitted that the complainant was under treatment for over 20 days. She has submitted that the offence is of serious nature and hence the applicant is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The FIR lodged by Dhondiram prima facie reveals that on 18.10.2015 while he was proceeding towards his house, one jeep without a number plate followed him and dashed against his scooty and thereafter the co-accused Kisan Satpute and others came out of the jeep and tried to assault him. He has stated that the applicant and some others were also present at the place of the incident and that they were armed with sticks and that they had assaulted Sanjay Jadhav, Mahadev Sawant and Rahul Jadhav.

6. The FIR as well as the other material on record does not indicate that the applicant was armed with a deadly weapon or that he had inflicted any injury on the vital part of the body of the

complainant or the other injured. The medical certificate indicates that the injuries sustained by the complainant as well as by the other injured were simple in nature.

7. The above facts and circumstances, particularly the nature of the injuries would not justify further detention of the applicant in custody. The applicant is a permanent resident of Waglewadi, Baramati at Pune. There is no possibility of the applicant absconding or thwarting the course of justice. He has no criminal antecedents. In the facts and circumstances, the application is allowed on the following terms and conditions:-

- i) The applicant abovenamed, arrested in crime no.236 of 2015 registered with Vadgaon Nimbalkar Police Station be released on bail on 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, Baramati.
- ii) The applicant shall not interfere with the complainant or other witnesses in any manner.
- iii) The applicant shall furnish his contact number, and his

permanent as well as temporary address to the Investigating Officer.

iv) The applicant shall not leave Baramati, Pune District without the prior permission of the JMFC, Baramati.

(ANUJA PRABHUDESSAI, J.)