

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 216 OF 2016

Janu Budhya Kanera

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Ms. Vrishali R. Raje Advocate for Applicant

Mr. S. S. Pednekar APP for the State.

**CORAM : SMT. SADHANA S. JADHAV, J.**  
**DATED : MARCH 15, 2016.**

**PC :**

Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is seeking enlargement on bail in crime no. 322 of 2014 registered at Valiv Police Station. This is a subsequent application. Earlier application seeking bail i.e. Criminal Bail Application No. 2396 of 2014 was rejected by this Court vide Order dated 28/11/2014. Applicants are charge-sheeted for offence punishable under sections 302, 326, 147, 148, 149, 323, 506 of Indian Penal Code. Present applicant is in jail since 26/07/2014.

2) Learned counsel for the applicant submits that on the earlier occasion,

ism

cross complaint filed by Laxman Pardhi who happens to be associate of present applicant was not taken into consideration. She has filed F.I.R. filed by Laxman Pardhi on record. It is taken on record and marked as article 'X' for the purpose of identification. Laxman Pardhi had filed F.I.R. On 26/11/2014 itself, alleging therein that on the date of incident i.e. 25/07/2014 at about 9.30 p.m., he was proceeding towards his house along with his friends. On his way, when they were crossing Verma Wires, suddenly, Rambabu had crossed them and had proceeded ahead of them. He was looking at complainant and his friends angrily and therefore, Dilip had questioned him. Thereafter, Rambabu had slapped them and then he had brought his associates from the compound of the company and assaulted Dilip.

3) In the meanwhile, Dilip had telephonically called his friends and relatives by informing them that they were being assaulted near Verma Wires. In order to rescue Dilip, present applicant and others had rushed to Verma Wires. There was an altercation between both the groups. In the meanwhile, one of the person had gone into the compound and had brought a bucket of acid and had thrown it on the person of the complainant and his associates.

4) The said aspect is corroborated by arrest panchanama which shows that Laxman Pardhi, Vijay Kanera and Dilip Chavan had sustained burn injuries caused by the acid. Present applicant had accompanied original accused nos. 1, 2 & 3. It is a matter of record that no specific overt act has been attributed to the present applicant and hence, according to learned counsel for the applicant, applicant deserves to be enlarged on bail. Learned counsel for the applicant has also drawn the attention of this Court to the order dated 02/03/2015 passed by the Co-ordinate Bench (Coram: Revati Mohite Dere, J.). The Hon'ble Bench was pleased to enlarge accused Mangal Kondy Jadhav on bail. It was considered that complainant had not given full name of applicant Mangal nor had attributed any specific role to hi, although a bamboo stick has been recovered at his instance.

5) That since no overt act is attributed to the present, applicant, he deserves to be enlarged on bail. Learned counsel for the applicant further submits that in fact, rival group had invited provocation by throwing acid at the group of Laxman Pardhi.

6) Taking into consideration the compilation of charge-sheet and the

submissions advanced across the bar, this Court is inclined to enlarge applicant on bail.

**ORDER**

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 20,000/- and one or two sureties in the like amount.
- (iii) Applicant shall report to Valiv Police Station once in 3 months and also give an undertaking that he would attend all the dates at the Trial Court.
- (iv) Application stands disposed of.

**(SMT. SADHANA S. JADHAV, J.)**