

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

CRI. BAIL APPLICATION NO. 384 OF 2016

Santosh Sharanappa Kamble

... Applicant.
(Org.Accused)

V/s.

The State of Maharashtra

... Respondent.

Mr. Aditya Barthakur, Advocate for the Applicant.

Mr. Arfan Sait, A.P.P. for the Respondent – State.

Mr. C.S.Lohakare, PSI to Deccan Police Station, Pune, present.

CORAM : A. M. BADAR, J.

DATE : 06th JUNE, 2016

P.C. :

1 By this application, the Applicant/accused in Crime No. 291 of 2015 for the offences punishable under sections 307, 326 read with section 34 of the Indian Penal Code, registered with the Deccan Police Station, Pune, is praying for releasing him on bail during pendency of the trial.

2 Heard learned counsel appearing for the Applicant/accused as well as the learned APP appearing for the State. Learned APP vehemently argued that for trifle reasons, the applicant/accused had assaulted the injured Santosh Sapkal as well as his relative Sunil Pandurang Bhosale. Learned APP further argued that because of severe and serious injuries

suffered by injurer Santosh Sapkal, he was required to be admitted to the hospital for a period of more than one month. Considering the behaviour shown by the Applicant in commission of the crime in question, the application deserves to be rejected.

3 Perused the charge-sheet. The incident in question has allegedly happened on 29.09.2015. According to the prosecution case, the injured Santosh Sapkal had urinated near the house of the accused and mother of the accused had raised a grievance about this. In order to take revenge of this act, according to the prosecution case at about 11 p.m. on 29.09.2015 the applicant/accused had assaulted Santosh Sapkal as well as his relative Sunil Bhosale by means of iron rod. During the course of investigation, the prosecution has recorded several statements of the eye witnesses, naming the applicant as co-accused. The learned counsel for the applicant has argued that there is discrepancy in the prosecution case as the FIR shows that the applicant was accompanied by his associates in commission of the crime whereas the charge-sheet is filed only against the applicant on record. Supplementary statement of the injured Sunil Bhosale is to the effect that the applicant alone had committed the crime in question.

4 Perusal of the injury certificate shows that injured Santosh Sapkal had suffered multiple facial bones fractures whereas another victim/injured Sunil Bhosale had suffered head injury, causing abrasion over his forehead. The weapon allegedly used in commission of crime is an iron rod. Both the injured are already discharged from the hospital.

5 The trial will take its own time. It is well settled that at pre-conviction stage, there is presumption of innocence of the accused. The object of keeping a person in custody is to ensure that he is available in the trial. It is not the apprehension of the prosecution that the applicant will evade trial in the event he is released on bail. It is not shown that the applicant is having any criminal antecedents. Hence, there is no propriety of continuing detention of the applicant and, therefore, the order :-

ORDER

- i. Bail application is allowed.
- ii. The Applicant/accused in Crime No. 291 of 2015 for the offences punishable under sections 307, 326 read with section 34 of the Indian Penal Code, registered with the Deccan Police Station, Pune, be released on bail on executing the PR bond in the

sum of Rs. 25,000/- and on furnishing surety the like amount.

- iii. As a condition of this order, the Applicant/accused is directed that he shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the Court or to any police officer.
- iv. The applicant /accused shall not tamper with the prosecution evidence in any manner.
- v. The Applicant should co-operate for expeditious disposal of the trial.

(A. M. BADAR, J.)

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