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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 467 OF 2016**

1. Amol Bharat Gaikwad	
2. Kuldeep Maruti Tengal	
3. Nilu @Suhas Vishnu Chopde	
4. Dada @Dadasaheb Rajaram Jagtap	
5. Tanaji Popat Urmode	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.Sandeep S. Salunkhe, for the Applicants

Mr.Y.H.Nakhwa, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 17th MARCH, 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. 37 of 2016, registered with the Kurduwadi Police Station, Solapur for the alleged offences punishable under Sections 143, 147, 148, 149, 323, 324 and 326 of the Indian Penal Code.

3. At the outset, learned counsel for the applicants on instructions, does not press the present application, qua the applicant nos.1 and 2. He states that the applicant nos.1 and 2 will file an application for bail, after filing of the charge sheet. As far as applicant nos.3 to 5 are concerned, he prays that the applicants be enlarged on bail, considering the role attributed to applicants nos.3 to 5.

4. The incident took place on 22nd January, 2016 at about 6.30 p.m., when the complainant was proceeding towards Warna Milk Dairy for supplying milk on his motorcycle. It is alleged that the applicants came there and one Kuldeep Tengal assaulted the complainant with an iron rod on his left wrist, as a result of which, the complainant fell down from his motorcycle. It is alleged that thereafter Amol Gaikwad, Bharat Gaikwad, Suhas Chopade and Tanaji Urmude assaulted the complainant with iron rods. After the incident, the complainant's wife and others came to the spot and took the complainant to the hospital.

5. Learned Counsel for the Applicants submitted that as far as applicant nos.3 to 5 are concerned, applicants nos.3 and 4 are alleged to

have assaulted the complainant with fist and kick blows and applicant no.5 is alleged to have assaulted the complainant with an iron rod. He submitted that although applicant no.5 is alleged to have assaulted the complainant with an iron rod, he is not the person who has caused the grievous injury. He submitted that it was applicant no.1 who is alleged to have assaulted the complainant with an iron rod on his left hand, which resulted in a fracture of the forearm.

6. Perused the injury certificate. It appears that the complainant sustained four injuries, fracture on the left forearm, which is a grievous injury. There are also injuries on the ankle, head and on the chest. Learned APP states, that although there are three antecedents, qua Applicant No.3, the same are not bodily related offences.

7. Considering the fact that applicant nos.3 to 5 have been in custody since 26th January, 2016 and considering their role in the present case, the applicants nos.3 to 5 are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants nos.3 to 5 are enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount;
- (ii) The applicants nos.3 to 5 shall report to the Investigating Officer on every Saturday between 11:00 a.m. to 12:00 noon, till the filing of the charge-sheet and thereafter on the first Saturday of every month between 10:00 a.m. to 11:00 a.m, for a period of 12 months;
- (iii) The applicants nos.3 to 5 shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicants nos.3 to 5 shall inform their 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 applicants nos.3 to 5 to cooperate with the conduct of the trial.

(vi) As far as applicant nos.1 and 2 are concerned, the said application is not pressed qua them. They are at liberty to file an application, after filing of the charge-sheet, which shall be considered by the learned Judge on its own merits, uninfluenced by the withdrawal of their prayer for bail in this application.

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

9. 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.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.