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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 566 OF 2016**

Yogesh Nanabhau Ozarkar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Sanjay D. Thokade, for the Applicant.

Ms. R.M.Gadhavi, A.P.P for the Respondent-State

API – Sonavane, Hinjewadi Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd MARCH, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 42 of 2016, registered with the Hinjewadi Police Station, Pune, for the alleged offences punishable under Sections 324, 323, 504 of the Indian Penal Code and under Section 4(25) of the Arms Act.
3. The incident in question has taken place on 4th February, 2016

at about 11.30 a.m. According to the first informant – Adinath Godse, he alongwith his friends, Vikram Ozarkar, Amit Matere and Sandeep Jadhav, had gone to 'Om Sai Hotel' belonging to Vishal Sahebrao Ozarkar. It is alleged that there was some verbal altercation between Vikram and Vishal, when the applicant came there with sword, started abusing the complainant and others and thereafter is alleged to have assaulted Vikram Ozarkar and the complainant with a sword (not from the sharp side). It is also alleged that co-accused - Vishal Ozarkar assaulted Vikram Ozarkar with fists and kick blows.

4. Learned Counsel for the applicant states that with respect to the same incident, there is a cross complaint lodged by the co-accused - Vishal Ozarkar, which was registered vide C.R.No.41 of 2016, with the Hinjewadi Police Station, Pune, as against the complainant and others, alleging offences punishable under Sections 307, 324, 323, 504 of the Indian Penal Code and under Section 4(25) of the Arms Act. In the said C.R.No.41 of 2016, Vishal Ozarkar has specifically stated that the complainant – Adinath Godse in the present C.R, had assaulted the applicant with a sword, on his hands and forehead. He submitted that the

applicant had also received injuries in the said assault with a sword on his hand and forehead.

5. Learned APP has tendered the injury certificate of Adinath Godse. She states that the applicant has antecedents inasmuch as, C.R.No.296 of 2010, is registered with the Hinjewadi Police Station, Pune, as against the applicant, for the alleged offences punishable under Sections 326, 323, 504 of Indian Penal Code.

6. Perused the papers. With respect to the incident, which took place on 4th February, 2016, there are cross cases. Even the applicant has received an injury with a sword in the said incident. The injury certificate of Adinath Godse who is alleged to have been assaulted by the present applicant with the backside of the sword shows 'abrasion over left palm, 2 cm X 2 cm. Patient B/B PM 6769 Hinjewadi, P.S. Routine used Check-up. Patient taken t/t at private clinic.' Injury is stated to be caused by a hard and blunt object.

7. Considering the aforesaid, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer, on every Saturday between 10:00 a.m. to 11:00 a.m., till the filing of the charge-sheet;
- (iii) The applicant shall inform his 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;
- (iv) The applicant to cooperate with the conduct of the trial.

8. The Application is 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.