

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 171 OF 2015

Vilas Balkrishna Varikar

.....Applicant

V/s.

The State of Maharashtra and others

....Respondents

Mr. Ashok M. Bhatia Advocate for the Applicant.

Mr. Rajan Salvi APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 6th DECEMBER, 2016.

PC :

1) Heard. This is an application under section 439 (2) of the Code of Criminal Procedure, 1973. Applicant happens to be original complainant. It is the case of the prosecution that on 07/09/2014, applicant had filed a report before the police station alleging therein that he was working as Supervisor with one Ajay Agarwal. On the date of incident three persons came to the spot and asked him why he is putting compound to the plot as they claim their ownership over the said land. They assaulted him with fist and kick blows and thereafter, fled from the spot. On the basis of this report, police had registered

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crime no. 269 of 2014 against unknown persons for offence punishable under sections 307, 323 504 r/w 34 of the Indian Penal Code.

2) Accused were produced before the Magistrate on 12/09/2014. The learned Magistrate had perused the remand report, applied his mind and had granted Magisterial custody to the accused as the allegation against the accused was that they had assaulted with fist and kick blows and there was no question of recovery. While in Magisterial custody, accused had filed application seeking enlargement on bail on 15/09/2014. The learned Sessions Judge, Pune had carefully perused the papers of investigation, heard the submissions of the respective counsel and had enlarged the applicants on bail by an order dated 20/09/2014 which is impugned in the present application.

3) The learned Sessions Judge has assigned justifiable reasons for granting bail in favour of the respondents. In view of this, no interference is warranted. Moreover, the learned APP submits that investigation is completed and charge-sheet is filed. Hence, application being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)