

Anand

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

BAIL APPLICATION No.690 OF 2016

Ajit Dinkar Borage .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.S.Dere, Advocate, for the Applicant

Ms R.M.Gadhvi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 01.04.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.298 of 2015 registered with the Bhosari Police Station, District – Pune, for the alleged offences punishable under Sections 294, 307, 323, 324, 341 r/w.34 of the Indian Penal Code and under Section 37(1)(3) r/w.135 of the Maharashtra Police Act.

3. The Complainant is Shubham Sawant. He has alleged that the incident took place on 17.10.2015 at about 7.45 p.m.. According to him, the present Applicant alongwith other co-accused followed them on their motor cycles and that the Applicant and other co-accused assaulted them with fist and kick blows. Omkar Dhobale is alleged to have assaulted Kiran Dolas with a knife, on his back and chest and also assaulted the Complainant on his neck. It is alleged that seeing Kiran Dolas in an injured condition, all the accused ran from the spot. Accordingly, an FIR was lodged as against the present Applicant, Omkar Dhobale, Nelson Peter alias Joy & Sukrya.

4. Learned counsel for the Applicant submitted that the only allegation as against the Applicant is that he assaulted Kiran Dolas and the Complainant with fist and kick blows. He submitted that the allegation of assault by knife is as against Omkar Dhobale. He has

further submitted that in the supplementary statement of the Complainant and Kiran Dolas which was recorded on 28.10.2015, both have stated that the 4th accused Sukrya's name was inadvertently mentioned.

5. Learned APP opposes the Bail Application.

6. Perused the charge-sheet.

7. It appears that there was some altercation that took place between the parties, pursuant to which, the Applicant and the co-accused followed the Complainant and others. Perused the statement of both, the injured Shubham Sawant (Complainant) and Kiran Dolas. Both of them have categorically stated that all the accused assaulted them with fist and kick blows and that it was Omkar Dhobale, who assaulted them with knife. Perused the Injury

Certificates of Kiran Dolas and the Complainant. The Complainant has received one incised wound behind the left ear and Kiran Dolas has received seven injuries. The history given by Kiran Dolas is that he was assaulted by a sharp weapon. Charge-sheet is filed in the said case. There are no antecedents qua the Applicant.

8. Considering the role of the Applicant, the Applicant is enlarged on bail on the following terms & conditions:

ORDER

- (i) The applicant be enlarged on bail, on executing PR 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 of the Bhosari Police Station, District – Pune on the **first Saturday of every month** between 10:00 a.m. to 11:00 a.m. for a period of one year;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) 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;

(v) The applicant to cooperate in the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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

10. 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)