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

**CRIMINAL APPLICATION NO.816 OF 2016
(FOR BAIL)
IN
CRIMINAL APPEAL NO.464 OF 2015**

Akash Kisan Gunje

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Kartik S. Garg, for the Applicant

Mr.A.S.Shitole, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 13th JULY, 2016***

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. This is the second bail application. The order passed below the first bail application preferred by the applicant, being Criminal Application No.474 of 2015 in Criminal Appeal No.464 of 2015 shows that the said application was not heard on merits and was rejected only on the ground that none had appeared for the applicant and that despite the directions

given by the Court to annex a copy of the notes of evidence adduced during the trial to the application, the same had not been complied with.

3. According to the prosecution, the incident in question took place on 10th August, 2014. It is alleged that Janabai Gunje, sister of the applicant went to the police chowky disclosing that her brother i.e the present applicant was assaulting her and that the police should go to her house and stop the quarrel. It is alleged that when the complainant – Police Constable Farid Baba Akbar Sayyad went to the spot to stop the quarrel, the present applicant assaulted him and his colleague – Head Constable – Devidas Tanksali. According to the complainant, co-accused – Baba Manjule assaulted him with fist and kick blows and the present applicant assaulted him with a wooden stick on his forehead and head.

4. The applicant has been convicted by the learned Additional Sessions Judge, Solapur vide Judgment and Order dated 11th March, 2015 for the offences punishable under Sections 307, 333 and 353 of the Indian Penal Code.

5. Learned Counsel for the applicant submitted that the applicant was in custody for 40 days after his arrest and that after his conviction the applicant has been in custody for about 1 year and 4 months. He submits that whilst on bail, the applicant has not misused his liberty. He submits that the appeal is not likely to be heard in the immediate near future and that considering the nature of allegations, the applicant be enlarged on bail, pending the hearing and final disposal of the appeal.

6. Considering the facts of this case and the fact that the appeal is not likely to be heard in the immediate future and that the applicant was on bail, pending trial and has not misused his liberty, the application is allowed and 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.20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the concerned Trial Court, on the first Friday of every alternate month, till the conclusion of his appeal;

(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 concerned Court.

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

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

REVATI MOHITE DERE, J.