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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1378 OF 2016

Sameer Madhukar Paygude ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Abhijeet A. Desai for the applicant.

Mr.S.S. Pednekar, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 14TH JULY, 2016

P.C. :-

1. The applicant / accused in Crime No.94/2016 for the offences punishable under section 37 and 341 of the Indian Penal Code registered with the Sinhagad Police Station, Pune by this application is seeking his release on bail.

2. Heard the learned counsel for the applicant / accused. He submitted that the applicant and the first informant were on hostile terms because of engagement of Nilesh Parge as driver. Subsequently, on 27th February, 2016 the first informant quarrelled with the applicant with the

reason that the applicant is not dancing properly in the marriage ceremony. By drawing my attention to the letter of Adate General Hospital, Pune, the learned counsel submitted that the injured was not even admitted to the hospital of which the injury certificate is relied by the prosecution.

4. The learned APP opposed the application by contending that the apart from the injured informant, there is eye witness to the incident. The learned APP further argued that subsequently, the injured was referred to Sassoon Hospital but that certificate is not finding its place in the charge-sheet.

5. Perused the charge-sheet. The reason for the dispute between the first informant and the application is employment of Nilesh Parge as driver by the first informant. Said Nilesh was earlier in employment of the present applicant as driver. So far as the incident in question is concerned, the first informant averred that on 14th March, 2016, the applicant assaulted him by means of knife. According to the prosecution case, the injured first informant Rahul had taken medical treatment in Adate General Hospital. The injury certificate

issued by the said Hospital is filed with the charge-sheet. It is seen that incised wound at the abdomen suffered by the first informant is skin deep. The same hospital has issued a letter on 29th June, 2016 stating the injured had taken treatment as outdoor patient.

6. Now, investigation is over. Charge-sheet is also filed. Considering the nature of injuries and the fact that injured had taken treatment as outdoor patient, his pre-trial detention is not warranted. Hence the order :-

- (i) The applicant / accused in Crime No.94/2016 for the offences punishable under section 37 and 341 of the Indian Penal Code registered with the Sinhagad Police Station, Pune be released on bail on executing P.R. bond in the sum of Rs.5,000/- with one surety in the like amount;
- (ii) As a condition of this order, the applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him / her from

disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;

- (iii) The applicant / accused shall co-operate for expeditious disposal of the trial;
- (iv) The applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;
- (v) The application is disposed of accordingly.

(A.M.BADAR, J.)