

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

CRI. BAIL APPLICATION NO. 1438 OF 2016

Sunny Shankar Pawar

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Satyavrat Joshi, Advocate, for the Applicant.

Mrs. Veera Shinde, A.P.P. for the Respondent – State.

(Police Naik-Mr. S.T. Awatade, Chinchwad Police Station, Pune is present.)

CORAM : A. M. BADAR, J.

DATE : 09th AUGUST, 2016

P.C. :

1 The applicant/accused in Crime No. 43 of 2016 registered with Chinchwad Police Station, Pune for the offences punishable under sections 307, 326, 504, 506 r/w. 34 of the Indian Penal Code at the instance of informant-Sagar Dhaware by this application under section 439 of the Criminal Procedure Code, is praying for releasing him on bail.

2 Heard the learned counsel appearing for the Applicant/accused. He argued that the present applicant/accused is just 21 years old young boy. Learned counsel further argued that on completion of investigation by

imposing necessary conditions liberty can be restored to the present applicant.

3 Learned APP opposed the application by contending that considering the nature of weapon and part of the body used for assaulting the injured, the offence under section 307 is made out and as the same is punishable with life imprisonment, discretion of bail should not be exercised in favour of the present applicant.

4 Perused the FIR so also the chargesheet. Incident in question happened on 20.02.2016. Injured -Sagar Bhaware reported that when he along with his friends Vikas Kamble and Anand Shinde were sitting on the platform of a Pipal Tree, the present applicant and his associates Sasa @ Sachin Waghmare, Bala @ Pradeep Mhaske, Rahul Salvadi came there and assaulted them with belt and wooden plank. Present applicant - Sunny Pawar assaulted Vikas by cement plank, whereas his associates assaulted them by waist belt and wooden logs. Perusal of the injury certificate shows that the injured Vikas suffered contused lacerated wounds over face and skull by blunt and hard object whereas one abrasion over left eye.

5 The applicant is reported to be 21 years of age. Keeping him behind the bar in association with the criminals in the jail as such is not warranted. The investigation is over

and stringent condition can be imposed while granting liberty to the applicant. Therefore, the order :

ORDER

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 43 of 2016 registered with the Chinchwad Police Station, Pune for the offences punishable under sections 307,326, 504, 506 r/w. 34 of the Indian Penal Code at the instance of informant–Sagar Dhaware, be released on bail on executing PR Bond in the sum of Rs. 15,000/- and on furnishing solvent surety in the like amount.
- iii. As a condition of this order, the Applicant should not enter Pune City till disposal of the trial except on the dates on which trial against him is fixed for hearing.
- iv. The applicant should co-operate with trial court in expeditious disposal of the trial.
- v. In addition, the Applicant/accused is directed that he 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 such person from disclosing such facts either to the Court or to any police officer and that applicant shall not tamper with the prosecution evidence in any manner.

vi. The applicant should not commit any offence of similar nature in future. If such event happens, the bail granted to the applicant will liable to be cancelled.

vii. The bail application is disposed of accordingly.

(A. M. BADAR, J.)

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