

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1469 OF 2016

Manya @ Manoj @ Siddharth Sunil
Palaskar

.....Applicant

V/s.

The State of Maharashtra

....Respondent

WITH
CRIMINAL BAIL APPLICATION NO. 1389 OF 2016

Shivraj Ganesh Buchde

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. S. V. Kotwal i/b Mr. M. S. Mohite Advocate for
Applicant in BA 1469 of 2016

Mr. Prashant Patil Advocate for Applicant in BA 1389 of 2016

Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : SEPTEMBER 14, 2016.

PC :

1) Heard. These are applications under section 439 of Code of Criminal Procedure, 1973. Applicant in criminal bail application no. 1469 of 2016 is

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arrested on 22/02/2016 in crime no. 62 of 2016 registered at Vishrambag Police Station for offence punishable under sections 307, 352, 427, 323, 143, 147, 148, 149 of the Indian Penal Code and under section 4 r/w section 25 of the Indian Arms Act and under section 37 (1) (3), 135 of Maharashtra Police Act. Investigation is completed and charge-sheet is filed. Applicant in criminal application no. 1389 of 2016 is arrested on 20/02/2016 and is charge-sheeted for the offence alleged against him.

2) It is the case of the prosecution that on 20/02/2016 one Yash Parekh lodged the report at the police station alleging therein that on the given day he was intercepted by the present applicants over some dispute in the past. According to him, applicants were armed with weapons. That the recitals of F.I.R. would prima facie indicate that there are two rival groups and the complainant belongs to the rival group of the present applicants. Two persons were injured in the said incident dated 20/02/2016. The first informant had sustained contused lacerated wound, which was bone deep, on his hand and Siddharth Parekh had sustained compound fracture on his left hand and proximal phalyn.

3) Respective counsel submit that investigation is completed and charge-

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sheet is filed. According to the respective counsel, taking the case of the prosecution as it is, it appears that the injured had sustained injuries on their hands and it cannot be said for a moment that there was intention to cause homicidal death or attempt to murder.

4) As against this, the learned APP submits that applicant in criminal application no. 1389 of 2016 is charge-sheeted for offence punishable under section under section 302 r/w 34 of the Indian Penal Code and is enlarged on bail by this Court (Coram: Mrs. Mridula Bhatkar, J.) in bail application no. 1130 of 2015 vide order dated 13/07/2015. According to the learned APP, applicants do not deserve to be enlarged on bail.

5) The learned counsel for the applicant in criminal application no. 1389 of 2016 submits that it is true that applicant is charge-sheeted for offence punishable under section 302 of the Indian Penal Code, however, the observations in the order enlarging him on bail would indicate that there was some dispute between the deceased and the applicant and that the co-accused of the applicant in the said case were juveniles in conflict with law and they had committed the principal offence.

6) The learned counsel for the applicant in criminal application no. 1469

of 2016 submits that applicant has no serious criminal antecedents. That in crime no. 54 of 2013 registered at Khadak Police Station has been settled and he has been acquitted. He is convicted under the provisions of the Motor Vehicles Act. Hence, Applicant deserves to be enlarged on bail.

7) Taking into consideration the nature of allegations, the description of the injuries sustained by the first informant and his associate and the submissions advanced across the bar, coupled with the fact that the investigation is completed and charge-sheet is filed, applicants deserve to be enlarged on bail. It is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Applications are allowed.
- (ii) Applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
- (iii) Applicant in criminal application no. 1389 of 2016 shall not reside in Pune district till the date of framing of charge.
- (iv) Applicant in criminal application no. 1469 of 2016 shall report to

concerned police station on every alternate Sunday between 10.00 a.m. to 12.00 noon till the date of the framing of the charge.

(v) Applications stand disposed of.

(SMT. SADHANA S. JADHAV, J.)