

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1660 OF 2016

Akash Shantkumar Pujari	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

WITH
CRIMINAL APPLICATION NO. 671 OF 2016
IN
CRIMINAL BAIL APPLICATION NO. 1660 OF 2016

Nandkumar Nagnath Pujari	..	Intervener
In the matter between:		
Akash Shantkumar Pujari	..	Applicant
vs.		
The State of Maharashtra	..	Respondent

Mr. Viresh V. Purwant, Advocate for the applicant.
Mr. Jaydeep D. Mane, for the intervener.
Mr. R.M.Pethe, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 5th December, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C.
The applicant herein is arrested on 1.5.2016 in Crime No.293 of 2016 registered at Fauzdar Chawadi Police Station, Solapur. The investigation is completed and charge sheet is filed against the accused-applicant for the offences punishable under Sections 307, 341, 504, 506 read with Section 34

of the Indian Penal Code.

2. It is the case of the prosecution that on 2.5.2016, one Nandkumar Nagnath Pujari lodged a report at the police station alleging therein that he happens to be a driver in MSRTC. His brother Shantakumar Pujari also resides at Bale in a separate house. That on 1.5.2016, his son Krishna had gone to Patil Nagar to play cricket. He returned home for searching bag. At that time, it is alleged that the present applicant who happens to be the first cousin of Krishna had questioned him as to why his father is not being paid for executing partition of their family property. Krishna had no knowledge about the partition. In the meanwhile, the mother of the present applicant and his aunt had instigated the applicant to teach a good lesson to Krishna upon which he assaulted Krishna. The applicant is about 22 years old. That he has been in custody for more than six months. It appears that the injured Krishna has sustained grievous injuries.

3. Taking into consideration the fact that the applicant is a young boy, he has no criminal antecedents. It was only at the instigation of his mother and aunt that he had assaulted Krishna and had picked up cudgels

for the elderly persons in the family. Taking into consideration the papers of investigation, this Court is of the opinion that the applicant deserves to be enlarged on bail.

4. However, it is made clear that the observations are restricted to an application under Section 439 of Cr.P.C. and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.50,000/- and one or more solvent sureties in the like amount.
- (iii) The applicant shall not enter into the jurisdiction of Bale till the conclusion of the trial.

Application stands disposed of.

5. Intervention Application is heard, allowed and disposed of.

(SMT. SADHANA S.JADHAV, J.)