

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

CRIMINAL BAIL APPLICATION NO. 1826 OF 2016

Rajpal @ Ganesh Narendra Jhalte. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

WITH

CRIMINAL BAIL APPLICATION NO. 1827 OF 2016

Akshay Prakash Shinde. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Tanveer Khan, advocate for Applicants.

Mr. R.M. Pethe, APP for State in BA 1826/2016.

Mr. Vinod Chate, APP for State in BA 1827/16.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : SEPTEMBER 30, 2016**

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State. Perused the papers.

2 These are applications under Section 439 of the Code of Criminal Procedure, 1973. The applicants herein are arrested in Crime No. 5 of 2016 registered at Satpur Police Station for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code. Investigation is completed and charge-sheet is filed in the month of March, 2016.

3 It is the case of the prosecution that on 6/1/2016 the complainant Amrit Patil who was working as P.I. of Crime has received an information that a person is lying in injured condition near Kuber Petrol Pump. He reached on the spot and enquired with the injured. It had transpired that the injured was one Samadhan Patil. Upon enquiry he had disclosed to the police that on that day i.e. on 6/1/2016 at about 4 p.m. he was driving his auto rickshaw and at that time, the present applicants and others had intercepted him and took up the quarrel over some dispute. They had boarded his rickshaw as passenger and told to take the rickshaw at Thrambak. After reaching near Ambad Link Road, they stopped the rickshaw and

forced the injured to alight from the rickshaw and the injured was assaulted by the present applicants on the ground that he was not giving protection money to the applicants. The applicants are the union leaders of the rickshaw union.

4 Perused the injury certificate. It appears that the injured had sustained two grievous injuries. One was a stab wound over the nape of neck and stab wound over upper lumbar region. The injured had sustained 6 simple injuries in the nature of contused lacerated wounds.

5 The learned Counsel for the applicant submits that the victim Shantaram was admitted in the hospital on 6/1/2016 and was discharged from the hospital on 11/1/2016. The learned Counsel submits that in view of this, it cannot be said that the injuries sustained by the victim were grievous in nature as contemplated under Section 320 of the Indian Penal Code.

6 Be that as it may, taking into consideration the fact that the investigation is completed, charge-sheet is filed, CA report has been received and that the applicants have been in jail for almost 9 months, the applicants deserve to be enlarged on bail.

7 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

8 Hence following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each and one or two sureties in the like amount.

(iii) The applicants shall report to Satpur Police Station on 1st and 3rd Sunday of each month between 10 a.m. to 12 noon till framing of charge.

(iv) The applicants shall not tamper with the evidence.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)