

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

CRIMINAL BAIL APPLICATION NO. 1828 OF 2016

Sandip @ Pintu Balkrishan Salunke. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Akshay Patil i/b. Mr. Mayur Thorat, advocate for Applicant.

Mr. Prashant Jadhav, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : DECEMBER 21, 2016**

P.C.:

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

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 7/1/2016 in Crime No. 5/16 registered at Shivaji Nagar Police Station, Ichalkaranji for offence punishable under section 307, 323, 341, 452 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 6/1/2016 Prashant Dongre had been with his daughter to saloon. On the way the accused Ananda @ Papya Jannvekar had overtaken the vehicle. For a moment, it was a case of road rage. There was an altercation between Prashant and Jannvekar and other friends. Avinash had intervened and pacified Prashant as well as Ananda Janvekar. It is the case of the prosecution that on the same day at about 8.30 p.m. Ananda Jannvekar alongwith 3 persons namely Arun Jannvekar, Amar Mane and Pintu Salunke i.e. the present applicant had been to the house of Prashant Dongre. There was an altercation. While present applicant and Arun were assaulting Prashant with fists and kick blows, at that stage Amar Mane had drawn the knife, which he had concealed in the pocket and had assaulted the victim on his chest and back. It appears from the papers of investigation that the present applicant had accompanied Ananda Jannvekar and Amar Mane.

4 The learned Counsel for the applicant rightly submits that the person accompanying Amar Mane i.e. even the applicant has no knowledge that Amar Mane was carrying knife in his pocket. They

had assaulted Prashant with fists and kick blows and had no intention to cause any grievous injury to Prashant. The applicant has been in custody for almost more than 11 months and therefore, deserves to be enlarged on bail.

5 Co-accused Arun Jannvelkar has been enlarged on bail by this Court vide order dated 17/3/2016. Further incarceration of the applicant would not be imperative. Hence, the applicant deserves to be enlarged on bail.

6 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.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- and one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on 1st Sunday of each month between 10 a.m. to 12 noon till charge is framed.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)