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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2052 OF 2015**

Deepak Gajanan Dhankude

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Rahul S. Kadam, for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

API – M.P.Vikhak, Yavat Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd MARCH, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 12 of 2015, registered with the Yavat Police Station, Pune, for the alleged offences punishable under Sections 353, 332, 333, 307, 186, 189, r/w 34 of the Indian Penal Code.
3. The complainant is one Ganesh Vilas Pote, who is also an injured in the said case. He has stated that on 12th January, 2015 at about

1.00 p.m., the police received information, that the present applicant who was wanted in C.R.No.14 of 2015, registered with the Loni Kalbhor Police Station, Pune, was roaming around in Yavat area. Pursuant to the said information, the police went in search of the applicant and found one black colour motorcycle without a number plate and noticed the applicant along with his companion proceeding towards Yavat and hence the police chased him. It is alleged that the applicant tried to speed, however he fell down. Thereafter, the applicant tried to flee away from the spot, however, the police stopped him. It is alleged by the complainant that the applicant tried to assault him with a Koyta, however, as the complainant held his hand, the complainant got hurt with the handle of the koyta and sustained an injury.

4. Learned Counsel for the Applicant submitted that the allegations as against the applicant are false. He submitted that there were 2 – 4 police persons, who were chasing the applicant and that it was not possible that the applicant would dare to assault the police. He submitted that the applicant has been in custody since 12th January, 2015.

5. Learned APP has produced the injury certificate of the

complainant – Ganesh Pote, which shows that he had sustained an external injury and that there was swelling of the right wrist and that he had sustained a fracture of his 2nd finger. It is stated that the injury was caused by a hard and blunt object and the same was grievous in nature.

6. Perused the charge-sheet. The injury certificate produced by the learned APP, is not a part of the charge-sheet. It appears that there was one C.R., against the applicant, being C.R.No.14 of 2015, registered with the Loni Kalbhor Police Station, Pune, and that the complainant had received some information about the presence of the applicant in Yavat area. It is alleged that the complainant chased the applicant, as he was wanted in C.R.No.14 of 2015, when the complainant sustained an injury. The injury certificate which is produced by the learned APP is not a part of the charge-sheet. From the said injury certificate, it appears that there was swelling on the complainant's right wrist and that he had sustained a fracture of his 2nd finger. The injury is stated to have been caused by a hard and blunt object. The applicant has been in custody since 12th January, 2015 and till date charge has not been framed.

7. Considering the aforesaid, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the Yavat Police Station, Pune, on the first Saturday of every month between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;
- (iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial;
- (v) If there is a breach of any of the aforesaid conditions, the

prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.