

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2147 OF 2016

Sahadev @ Sadya Abhiman Sarvade

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Satyavrat Joshi Advocate for Applicant.

Ms. Veera Shinde APP for the State.

Mr. Vijay V. Bodke, Police Constable, Chinchwad
Police Station, Pune City.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : OCTOBER 19, 2016.

PC :

1) Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicant herein is arrested on 14/03/2016 in crime no. 61 of 2016 registered at Chinchwad Police Station. Investigation is completed and charge-sheet is filed.

2) It is the case of the prosecution that on 14/03/2016, Suraj Kadam approached the police station and lodged the report that present applicant was enraged with him over some quarrel which had taken place two days prior to 14/03/2016. It is alleged that Anil @ Kalya had assaulted his brother

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Rashikant. That Anil is in custody. Rashikant had gone to the police station and thereafter was referred to the hospital. It appears that Rashikant had sustained one contused lacerated wound on his occipital region which was grievous and there appeared to be fracture of skull. As against the present applicant, it is the allegation that on the relevant day, he had called upon Rashikant and had taken him out of his house and thereafter, Rashikant was assaulted by Anil. There are eye witnesses to the incident where Anil had assaulted Rashikant. Applicant is in custody for more than six months. Investigation is completed and charge-sheet is filed.

3) The learned APP upon instructions submits that applicant has no criminal antecedents.

4) Taking into consideration the nature of allegations, papers of investigation more particularly the injury certificate and the role attributed to the present applicant, application seeking bail deserves to be allowed. However, it is made clear that the observations made herein above are restricted to consideration of an application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) Applicant shall report to Chinchwad Police Station on first Sunday of each month till the framing of the charge.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)