

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2418 OF 2016

Ram Ashok Ghone

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Satyavrat Joshi Advocate for Applicant.

Mr. R. M. Pethe APP for the State.

Mr. Sudhir Toradmal, A.P.I. Lonikand Police
Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 5th DECEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 15/06/2016 in crime no. 426 of 2016 registered at Lonikand Police Station for offence punishable under sections 307, 427, 452, 504, 506 r/w 34 of the Indian Penal Code. Investigation is completed and charge-sheet is filed.

2) It is the case of the prosecution that on 5 June, 2016, Sandesh Katke, who was admitted in Lifeline Hospital, disclosed to the police that on 2 June,

2016, he along with his cousin had been to My Fitness Gym. Some boys i.e. Sachin Shinde, Nikhil Patil and Ram Gone were having casual talk with the coach of said gym. Sachin and others presumed that they were taunting them. On 5 June, 2016, it is alleged that the present applicant and others had been outside the office of the first informant. They entered into his office. They broke glass and thereafter had mounted assault upon him. He has sustained grievous injuries. The role attributed to the present applicant is that, he has assaulted the first informant with sickle.

3) Perused the injury certificate. The injury sustained by the first informant at the hands of the present applicant is on non vital parts of the body. The informant had sustained contusions and abrasions and all injuries are described as simple injuries. By an order dated 25/11/2016, co-accused Mauli @ Ketan Kolte has been enlarged by this Court by taking into consideration the fact that applicants have been in custody for a considerable period of more than 5 months. The injury certificate does not corroborate with the allegations levelled against accused persons and hence, by virtue of doctrine of parity as well as the role attributed to him, applicant deserves to be enlarged on bail by imposing certain conditions. However, it is made clear

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that observations made herein above are restricted to 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. 50,000/- with one or more solvent local sureties in the like amount.
- (iii) The applicant shall not reside within the jurisdiction of Haveli Taluka till the conclusion of trial.
- (iv) Application stands disposed of.
- (v) Writ of this order is expedited.

(SMT. SADHANA S. JADHAV, J.)