

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2557 OF 2016

Nikhil Devanand Patil	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi, Advocate for the applicant.
Mr. S.S.Hulke, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 19th December, 2016.

P.C.

This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 15.6.2016 in Crime No.426 of 20156 registered at Lonikand Police Station, Dist. Pune. The investigation is completed and charge-sheet is filed against the accused for the offences punishable under Sections 307, 427, 452, 504, 506 read with Section 34 of the Indian Penal Code and under Section 4(25) of the Arms Act.

2. By an order dated 25.11.2016, the co-accused Mauli @ Ketan Ramdas Kolte has been enlarged on bail by this Court. Similarly, vide order dated 5.12.2016, the co-accused Ram Ashok Ghone is also enlarged on bail.

3. It is the case of the prosecution that on 5th June, 2016, Sandesh Katke, who was admitted in Lifeline Hospital, disclosed to the police that on 2nd June, 2016, he along with his cousin had been to My Fitness Gym. Some boys i.e. Sachin Shinde, Nikhil Patil and Ram Gane were having casual talk with the coach of said Gym. Sachin and others presumed that they were taunting them. On 5th 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.

4. Perused the injury certificate which shows that the first informant had sustained incised wounds on left parietal area and described as simple injuries. He has sustained contusions and abrasions. he has also sustained fracture of the left frontal bone. The investigation is completed and charge-sheet is filed.

5. Learned APP submits that the applicant is being prosecuted for the offence punishable under Section 307 of the Indian Penal Code in C.R. No.129 of 2015 registered at Lonikant Police Station and, therefore, he does not deserve to be enlarged on bail.

6. The learned counsel for the applicant submits that by virtue of doctrine of parity, the applicant also deserves to be enlarged on bail on the same terms and conditions.

7. In the present case, the injury certificate does not corroborate with the allegations levelled against the applicant. Thus the applicant deserves to be enlarged on bail upon imposing certain stringent conditions.

8. The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall not reside within the jurisdiction of Haveli Taluka till the conclusion of trial.

9. The application is disposed of accordingly.

10. Writ is expedited.

(SMT. SADHANA S.JADHAV, J.)