

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 7 OF 2017

1. Sumit Prakash More		
2. Rohan Gautam Thokale	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Yashodeep Deshmukh i/b. Mr. Subhash Hulyalkar, Advocate for the applicants.

Mr. Vinod Chate, APP for the State.

Mr. Madan Ananta Kamble, P.S.I., Khadki Police Station, Pune present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **6th January, 2017.**

P.C.:

This Application is moved by the applicants/accused for bail, as they are facing prosecution for the offences punishable under sections 307, 324, 323, 143, 144, 147, 148, 149 of the Indian Penal Code and under section 4(25) of the Indian Arms Act in C.R. No. 299 of 2016 with Khadki Police Station. The offence is registered at the instance of Abhishek Ashok Bhalerao on 13th November, 2016.

2. Co-accused Manoj Suryawanshi, other accused and the complainant were friends, however, there was dispute and, therefore, co-accused along with present applicants/accused went to the house of the complainant on 13th November, 2016 and assaulted him, his sister and mother. The applicants/accused were taken in custody on 15th November, 2016 and 18th November, 2016 respectively. Hence, this Bail Application.

3. The learned counsel for the applicants-accused has submitted that the names of applicants-accused are not appearing in the FIR. They were not armed with weapons. He submitted that they were not present at the time of incident. The applicants/accused are not criminals.

4. Learned APP produced the statements of two witnesses, i.e., Samsun and Dinesh Sutar, who have mentioned the names of these two applicants/accused that they have joined the co-accused in assault. Learned APP opposed the Bail Application. He submitted that the complainant was badly injured.

5. Perused the FIR and the relevant statements of the witnesses. The names of the applicants-accused are not mentioned in the FIR, however, the witnesses have taken the names of these applicants-accused. They were taken in custody within two to three days after the incident. No specific role is attributed to these applicants-accused. On query, the prosecution, on instructions, confirmed that the applicants-accused do not have criminal antecedents. In view of this, I am inclined to grant bail to the applicants/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) The applicants/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.20,000/- each with one or two sureties in

the like amount;

- (iii) The applicants shall not contact, harass or threaten the complainant and his family members
- (iv) The applicants shall attend all the Court dates.
- (v) The applicants shall not abscond or leave India without prior permission of the Court and furnish their permanent address to the Investigating Officer alongwith documentary proof of their address;
- (vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Sessions Court for cancellation of bail.

6. The Application for bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)