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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.525 OF 2017

Ankush Lalaso Chavan
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr.S.D.Patil, for the Applicant.

Mr.Prashant Jadhav, A.P.P. for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th APRIL, 2017

P.C. :

1. Heard learned counsel for the Applicant and the learned APP for the Respondent - State.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.320 of 2016 registered with the Phaltan City Police Station, Satara for the alleged offences punishable under Sections

307, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Perused the papers. The incident in question has taken place on 14th August, 2016. According to the Nikhil @Nilesh Sayaji Patole, (Injured witness), when he was at the Nagar Palika Office, Phaltan on 14th August, 2016 at about 4.00 p.m., Babu Sopan Chavan and Sonya Jadhav came in a car. He has alleged that the present applicant verbally abused Sonya Jadhav, as a result of which Babu Chavan and Sonya Jadhav assaulted the applicant with fist and kick blows. According to Nikhil @Nilesh, when he tried to intervene in the said assault, the applicant abused him and hence he assaulted the applicant with fist and kick blows. Thereafter, the applicant is alleged to have fled from the spot. According to Nikhil @Nilesh, at about 5.30 p.m., when he and Pravin Bodare (complainant) were going on a motorcycle, Babu Chavan and Swapnil Jadhav also joined them to see the Ganapati festival. Nikhil @Nilesh has alleged that when he and Pravin were near the road at the Kumbhar Tekh, the present applicant came their alongwith his father i.e. co-accused- Lalaso Chavan on a motorcycle. The applicant is alleged to have asked Nikhil @Nilesh as to why he had started a quarrel near the Nagar Palika office

and thereafter is alleged to have assaulted, threatened and abused Nikhil @Nilesh. At the same time, co-accused - Lalaso Chavan is also alleged to have assaulted Pravin (complainant). After Pravin fled from the spot, co-accused - Lalaso Chavan is alleged to have come towards Nikhil @Nilesh and both, the applicant and the co-accused - Lalaso Chavan are alleged to have assaulted Nikhil @Nilesh. The applicant is then alleged to have picked up a broken tile from the spot and assaulted Nikhil @Nilesh on his head. A perusal of the medical certificate shows that Nikhil @Nilesh Patole was initially taken to a local hospital for primary treatment and was thereafter shifted to Ruby Hall, Pune for further management on 14th August, 2016 and thereafter to Phaltan Lifeline Hospital, Satara on 27th September, 2016. Nikhil @Nilesh was discharged on 10th October, 2016. on The injury certificate of Nikhil @Nilesh shows that he had sustained a CLW on his right parietal area. It appears that Nikhil @Nilesh was put on an artificial ventilator and was unconscious for some time and semi-conscious for a long time. It appears that the incident occurred on the spur of the moment and the applicant was not armed with any weapon at the relevant time. It appears that the applicant had picked up a broken tile from the spot and assaulted Nikhil @Nilesh with the same. Co-accused - Lalaso Chavan

is on bail. There are no antecedents, qua the applicant. The applicant has been in custody since 14th August, 2016. It is informed that charge has also not been framed till date.

4. Considering the aforesaid, the application is allowed and the applicant is 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.50,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on 1st and 3rd Saturday of every month, between 10:00 a.m. to 11:00 a.m., 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 trial Court as well as to the concerned Police Station, in writing;

- iv) The Applicant shall not contact or attempt to influence the complainant or any persons concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial;
- vi) An undertaking to the aforesaid clauses ii) to v), shall be filed by the Applicant, in the Trial Court, within two week's of his release;
- vii) 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.

5. The Application is allowed and disposed of in above terms.

6. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

(REVATI MOHITE DERE, J.)