

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 617 OF 2017**

1. Parshuram Baburao Jadhav;	
2. Mahadeo Tukaram Jadhav;	
3. Vaibhav @ Bunty Balbhim Gaikwad	...Applicants
Versus	
State of Maharashtra	...Respondent

Mr. Priyal G. Sarda for the Applicants

Mr. S. H. Yadav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 12th APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 527 of 2016 registered with the Vijapur Naka Police Station, Solapur, for the alleged offences punishable under Sections 307, 394, 341, 34 of the Indian Penal Code.

3. Perused the papers. According to the prosecution, the incident in question is an outcome of a complaint lodged by the very same

complainant i.e. Sachin Pandit Vhonmane, alleging an offence punishable under Section 384 of the IPC as against the applicants one month prior to the incident. According to the prosecution, on 16th November, 2016, when the complainant was proceeding on his motorcycle towards State Bank of India, Hotgi Road, Solapur, the present applicants came there on a motorcycle and blocked his road, as a result of which, the complainant fell down. The applicants questioned him as to why he had lodged a complaint with the Valsang Police Station against them. The applicant No. 2 Mahadev is alleged to have assaulted the complainant with an iron pipe on his legs and the applicant No. 1 is alleged to have assaulted with a sword on his arm. No role has been assigned to applicant No. 3. Although it is alleged that the applicants snatched cash amount of Rs. 20,000/- and a gold locket weighing 3 tola from the complainant, there is no recovery of the same from any of the applicants. There is recovery of sword from the applicant No. 1 and recovery of iron rod from applicant No. 2. The injury certificate of the complainant shows that the injuries sustained by him are all simple in nature. The injury No. 1 is an abrasion on left humerus; the second injury is a multiple abrasion on chest and the third is BT to right T/F. All the injuries are stated to be simple injuries. The applicants have

been in custody since 16th November, 2016; investigation is complete and charge-sheet is filed. Considering the aforesaid, the application is allowed and the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall not enter the jurisdiction of Hotgi Gaon Police Station, till the conclusion of the trial;
- (iii) The applicants shall attend the Vijapur Naka Police Station, Solapur, on the first and third Saturday of every month from 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The applicants shall inform their latest place of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to cooperate with the conduct of the trial;

(vii) The applicants shall file an undertaking in the trial Court with regard to clauses (ii) to (vi) within two weeks from the date of their release;

(viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

4. The application is allowed in the aforesaid terms and is accordingly disposed of.

5. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.