

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 727 OF 2017**

Kiran Raj P. R.

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Karma Vivan for the Applicant

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

API Mr. B. A. Nanaware from Sangavi Police Station, Pune City, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 18th APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 58 of 2017 registered with the Sangli Police Station, Pune, for the alleged offences punishable under Sections 307, 326, 324, 323, 143, 147, 148 and 149 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the said case. He submitted that there was no

animosity for the applicant to assault the injured. He submitted that even otherwise, investigation is almost complete in the said case and that two co-accused have been enlarged on bail by the trial Court.

4. Learned A.P.P submits that the applicant has been identified in the identification parade by the injured. He submits that the charge-sheet is likely to be filed within one week.

5. Perused the papers. The incident in question has taken place on 5th February, 2017 at about 7:00 p.m, when the complainant had gone to the PWD ground to smoke cigarettes along with his friends Nikhil Dhore and Atish Kamble. According to the complainant-Mithun Anshul, when Nikhil asked for a match box from Rohit, the said persons started abusing him. It is alleged by the complainant that when Nikhil Dhore questioned him regarding abusive language, all of them started quarrelling with the complainant and his friends i.e. Nikhil Dhore and Atish Kamble. It is further alleged by the complainant that the said persons went in a Tata Nano Car and returned back at around 7:45 p.m along with two other persons (applicant is stated to be amongst the said two persons), with sticks

and iron rods. All the accused are alleged to have assaulted the complainant and his friends. Pursuant to the aforesaid, a complaint was lodged by Mithun Anshul. The applicant has not been named in the FIR. He is alleged to be one of the unknown persons who came subsequently. It is informed that the identification parade has been held and the applicant has been identified in the said identification parade. The injury certificate shows that Nikhil and Atish both have received injuries. Admittedly, there was no animosity between the applicant and the injured. There are no antecedents *qua* the applicant. Considering the fact that the investigation is almost over, 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 executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) The applicant shall inform his permanent address as well as latest place of residence and mobile contact number 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;

(iv) The applicant to cooperate with the conduct of the trial.

6. The application is accordingly disposed of.

7. 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.

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

REVATI MOHITE DERE, J.