

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 733 OF 2017**

Rahul Balasaheb Repale

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Priyal G. Sarda for the Applicant

Mr. S. S. Pednekar, A.P.P for the Respondent-State

API Ms. Seema Sudhirkumar Dhakane from Yerwada Police Station, Pune, is present.

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 12th 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. 835 of 2016 registered with the Yerwada Police Station, Pune, for the alleged offences punishable under Sections 307, 324, 325, 337, 504, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 37(1) r/w 135 of the Maharashtra Police Act.

3. The incident in question has taken place on 19th October, 2016 at about 9:00 p.m. It appears that when the settlement talk was going on between the complainant's side on the one hand and the accused on the other, some of the accused persons got enraged and shouted that they will not allow the settlement and started assaulting the complainant and others. Learned Counsel for the applicant states that the applicant is 18 years of age and that there is discrepancy with regard to his role in the statements.

4. Perused the papers. The incident has taken place on 19th October, 2016 at about 9:00 p.m. As the settlement talks were not acceptable to some of the accused, they started assaulting the persons from the complainant's side, in which, the complainant and some others got injured. As far as the applicant is concerned, he has alleged to have pelted a stone on Prashant Deokar. A perusal of Prashant Deokar's statement shows that no such role is assigned to the applicant of pelting stone on him. Prashant Deokar has stated that the applicant only abused him and has assigned overt act to other four accused. The injury certificate of Prashant Deokar shows that he has sustained four injuries; CLW over right eyebrow measuring 10 cm x 5 cm x 2 cm ; CLW over left forehead measuring 8 cm

x 4 cm x 2 cm; CLW over frontoparietal region measuring 15 cm x 5 cm x 2 cm; stab wound over left lat, wall chest measuring 3 cm x 2 cm x 1 cm. The applicant was admittedly not armed with any dangerous weapon.

5. Considering the statement of Prashant Deokar and the fact that he has not attributed any overt act to the applicant; the fact that the applicant has been in custody since 20th October, 2016; that there are no antecedents *qua* the applicant; and the fact that the investigation is complete and charge-sheet is filed, 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 attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m.; till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his 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;

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

6. The application is allowed in the aforesaid terms and 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.