

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 811 OF 2017**

Amol Rajendra Shingade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Sandesh Patil a/w Mr. Chintan Shah i/b Ms. Anusha P. Amin for the Applicant

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

PC Mr. Amar Ajinath Limkar from Kurduwadi Police Station, Solapur, 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. 388 of 2016 registered with the Kurduwadi Police Station, Solapur, for the alleged offences punishable under Sections 307, 323, 329, 427, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

3. Learned Counsel for the applicant seeks bail on the ground of parity. He submits that the similarly placed co-accused have been enlarged on bail by this Court vide order dated 7th March, 2017. He submits that infact, the applicant is better placed than that of co-accused, who have been enlarged on bail, inasmuch as, no specific role has been assigned to the applicant.

4. Learned A.P.P states that there are three antecedents *qua* the applicant.

5. Perused the papers. It appears that the incident has taken place on 6th December, 2016 at about 1:00 a.m. in the night. It appears that one dumper truck overtook a Scorpio car, as a result of which, an altercation took place between the driver of the dumper vehicle and Scorpio car, pursuant to which, there was a hot exchange of words between the parties. It is alleged by the complainant-Aniket Kadam that Balaji Shiraskar assaulted him with iron rod on his head, left hand, back and legs and Sooraj assaulted him with knife on his face, cheek and hand, as a result of which, he started bleeding and sustained grievous injuries. Thereafter, all the other

accused including the applicant are alleged to have assaulted the complainant with wooden logs and iron pipe. The injury certificate of Aniket Kadam shows that he has sustained four injuries; one on his left cheek; on his frontal scalp; left malar region and left occipital region and right hypothenar eminence muscle. It appears that this Court vide order dated 7th March, 2017 has granted bail to the co-accused Balaji Shiraskar and other co-accused. As far as the applicant is concerned, no overt act has been attributed to him and that the allegations are general along with other co-accused. No doubt, there are antecedents against the applicant, however, taking into consideration the fact, that the applicant's name is only disclosed as Amol in the statement and considering the fact that no specific overt act has been attributed to him, the allegation being general in nature, 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. 50,000/- with one or two sureties in the like amount;

(ii) The applicant shall not enter Taluka -Madha, where the complainant resides, for a period of six months from the date of his release;

(iii) The applicant shall attend the Kurduwadi Police Station on the first and third Monday of every month from 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) 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;

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

(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.

6. It is made clear, that considering the antecedents against the applicant, the surety amount has been fixed.

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

8. 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.

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

REVATI MOHITE DERE, J.