

Anand

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

BAIL APPLICATION NO.915 OF 2017

Bajrang Ashok alias Ashruba Pawar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.P.G.Sarda, Advocate, for the Applicant
Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.04.2017

P.C.

. 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.553 of 2016 registered with the Pimpri Police Station, Pune(Urban), for the alleged offences punishable under Sections 395 & 427 of the Indian Penal Code, under Section 135 of the Bombay Police Act, under Section 4(25) of the Arms Act and under Sections 3 & 7 of the Prevention of Damage to Public Property Act.

3. Learned counsel for the Applicant states that the

Applicant had not entered the Complainant's house and is alleged to have been standing outside the house. He submitted that although, it is alleged that the Applicant assaulted Monica with a stick, Monica's Injury Certificate is not on record. He submits that the Applicant is in custody since 29.09.2016. He submitted that the Applicant has no antecedents and that investigation is complete and charge-sheet is filed.

4. Learned APP opposes the Application. She submits that the Applicant was present and had entered the house alongwith others and had assaulted Monica with a stick. She does not dispute the fact that the Applicant has no antecedents.

5. Perused the papers.

6. The incident in question has taken place on 28.09.2016 at about 8.30 p.m.. The Complainant is Sunita Lala Mohite. She has alleged that on the said day, she was in the house along with her husband, son and daughter, when some persons came outside the house and started shouting, and calling her son - Vishal. She has alleged that when she came outside, she noticed that Sagar Nalawade was armed with a sword; Pawan

Lashkare with a sickle, and the Applicant - Bajrang Pawar, Anil Pawar, Anil Jadhav, Datta Devkar, Vishal Lashkare and Akshay with wooden sticks, iron rods and cement blocks. She has alleged that when she asked them, as to what had happened, Sagar Nalawade and Datta Devkar came in her direction, and hence she entered the house and closed the door. She has stated that all the said persons with the help of cement blocks and kick blows, broke open the main door of the house and came in. According to the Complainant, Sagar Nalawade assaulted her husband with the blunt side of the sword and that she and her daughter were assaulted with cement blocks and sticks and son - Vishal with fist and kick blows. She has further stated that when her sister-in-law - Kamal came there, she too was assaulted. According to the Complainant, the accused broke open the cupboard and damaged household articles and threatened her and her family members. She has also alleged that cash of Rs.6,000/- was taken from the house. According to the Complainant, while going back, all the accused damaged the motor cycle of the Complainant and other vehicles in the vicinity. There is recovery of a stick at the instance of the Applicant. The Applicant is alleged to have assaulted Monica with a stick. As far as the Injury Certificates of the injured are concerned, the

investigating officer has not annexed the Injury Certificates to the charge-sheet. Learned APP states that as the Injury Certificates were received late, the same could not be filed with the charge-sheet. She however states that the police intend to file a supplementary charge-sheet for placing the injury certificates on record. A perusal of the injury certificates produced by the learned APP shows, that Monica had sustained simple injuries i. e. blunt trauma to back and right upper limb. There were no external injuries. None of the injured have received any grievous injuries and that all the injuries are simple in nature. Although, the vehicles in the neighbourhood were damaged and the accused have been prosecuted under the Prevention of Damage to Public Property Act, no assessment of the damage has been done. The Applicant has no antecedents.

7. Considering the aforesaid and the fact that the Applicant has no antecedents, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

(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 report to the concerned Police Station on the **first & third Saturday of every month** between **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 immediately after being released 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;

(vi) The Applicant shall file an undertaking with regard to Clauses (ii) to (v) within two weeks of his release in the trial Court;

(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.

8. The Application is allowed in the aforesaid terms and

is accordingly disposed of.

9. 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)