

Anand

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

BAIL APPLICATION NO.1176 OF 2017

Bajirao Sopan Sargar .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO.2156 OF 2017
IN
BAIL APPLICATION NO.1176 OF 2017**

Suresh Bhanudas Sargar .Intervenor

IN THE MATTER BETWEEN

Bajirao Sopan Sargar .Applicant

Vs.

The State of Maharashtra .Respondent

Mrs.Pranali P. Kakade, Advocate, for the Applicant
Mr.Prashant Jadhav, APP, for the Respondent – State
Mr.S.T.Waghmode, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 07.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his
enlargement on bail in connection with C.R.No.41 of 2017

registered with the Malshiras Police Station, District - Solapur, for the alleged offences punishable under Sections 307, 324, 323, 504, 506 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that it is the Complainant who first assaulted the Applicant and his family members, pursuant to which an altercation took place between the two parties. She submits that the Applicant is alleged to have assaulted Bhagwan Maruti Sargar and Bhanudas Maruti Sargar with an iron rod. She submits that investigation is complete and charge-sheet is filed. She further submits that the injuries of both, Bhagwan Sargar and Bhanudas Sargar are simple in nature.

4. Learned APP as well as learned counsel for the intervenor oppose the Application.

5. Perused the papers. The incident in question took place on 25.02.2017 at 8.15 a.m. outside the Applicant's house. It appears that the Applicant's side have also lodged a complaint as against the Complainant and seven others and the same is registered vide C.R.No.40 of 2017 with the Malshiras Police

Station, District - Solapur for the alleged offences punishable under Sections 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act. In the said C.R. i. e. C.R.No.40 of 2017, it is alleged that the Complainant in the present C.R. alongwith other accused assaulted the Applicant and his family members with axe, koyta and iron rod. According to the Complainant and eye witnesses, the Applicant assaulted Bhagwan Sargar and Bhanudas Sargar.

6. A perusal of the injury certificate of Bhagwan Sargar shows that he has sustained one CLW on the left parietal region and the said injury is stated to be simple in nature. As far as the injuries of Bhanudas Sargar are concerned, he is stated to have received two simple injuries i. e. imprint abrasion on the left side spine and tenderness and swelling and on the left infra scapula region. The Applicant has been in custody since 28.02.2017. Investigation is complete and charge-sheet has been filed. There are no antecedents qua the Applicant.

7. Accordingly, 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.15,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall attend the concerned Police Station on the **first Monday of every month** between **10:00 a.m. to 11.00 a.m.** for a period of one year from the date of his release;
- (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) 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. In view of disposal of the Bail Application, the Cri. Appln.No.2156 of 2017 does not survive and the same stands disposed of accordingly.

10. 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.)