

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1234 OF 2017**

Pravin Krushanrao Chavan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Piyush Toshnival I/b Mr. Ashish Satpute for the Applicant

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

PSI Mr. Sachin Vishvanath Shendkar from Nashik Road Police Station, Nashik City, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 11th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 542 of 2016 registered with the Nashik Road Police Station, Nashik, for the alleged offences punishable under Sections 307, 143, 147, 148, 149, 120-B of the Indian Penal Code and under Sections 37(1) and 135 of the Bombay Police Act.

3. Learned Counsel for the applicant submits that the only allegation as against the applicant is that he assaulted the complainant-Eknath Tile with fist and kick blows. He submits that the applicant had no motive to assault the complainant.

4. Learned A.P.P does not dispute the fact that the allegation as against the applicant is that he assaulted the complainant-Eknath Tile with fist and kick blows. However, he submits that all the accused had formed an unlawful assembly. He further submitted that there is only one antecedent as against the applicant under the Gambling Act.

5. Perused the papers. It appears that the complainant-Eknath Tile was on inimical terms with co-accused Prabhakar Bhojane. The incident has taken place on 27th September, 2016 at about 4:30 p.m., when the complainant was returning home on his motorcycle. According to the complainant-Eknath Tile, when he was near Sailani Baba Chowk, Gaurav Deshmukh came on his motorcycle and kicked him, pursuant to which, he fell down. He has alleged that the present applicant assaulted him with fist and kick blows and that just then, co-accused Arjun Piwal came there and

assaulted him with a sword. He has further alleged that co-accused Rahul Pagar and Manna Gangurde assaulted him with a steel rod and stick on his head. It is stated that thereafter in order to save himself, he ran away from the said spot. A perusal of the injury certificate shows that the applicant had sustained grievous injuries i.e. 4 incised injuries; abrasion on both knees and a blunt trauma on the left hand. The applicant is alleged to have assaulted with fist and kick blows. No doubt, the applicant has been charged under Sections 147, 148, 149 of the Indian Penal Code, however, the same is a matter which will be decided by the trial Court. The only antecedent as against the applicant is a case under the Gambling Act. Investigation is complete and charge-sheet is filed. No motive is alleged as against the applicant.

6. Considering the role of the applicant, 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. 30,000/- 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 12:00 noon, till the conclusion of the trial;

(iii) The applicant shall not tamper 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 and shall attend the Court on every date of hearing;

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

(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.

7. The application is disposed of accordingly.

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.