

Anand

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

BAIL APPLICATION NO.1271 OF 2017

Goraksha Namdev Londhe

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.P.G.Sarda, Advocate, for the Applicant

Mrs.Rutuja Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 19.06.2017

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.502 of 2016 registered with the Hadapsar Police Station, District – Pune, for the alleged offences punishable under Sections 302, 324, 323, 504, 427, 143, 144, 147, 148 & 149 of the Indian Penal Code.

3. Learned counsel for the Applicant states that admittedly, the Applicant is not alleged to have assaulted the deceased – Sagar Chougule. He submitted that the only allegation qua the Applicant is, that he assaulted the Complainant – Nilesh

Shinde, with a cement block on his legs. He submitted that the injury sustained by Nilesh Shinde is a simple injury. He claims bail even on the ground of parity. He submits that co-accused - Pradip Karpe and Kishor Londhe have also been enlarged on bail by this Court.

4. Learned APP does not dispute the fact, that the Applicant has not assaulted the deceased - Sagar. She, however, submits that the Applicant was present at the spot and as such, Section 149 of the Indian Penal Code is squarely applicable. She does not dispute the fact, that the Applicant has no antecedents.

5. Perused the papers. It appears that there was some quarrel which had taken place on the date of the incident i.e. on 27.07.2016. Admittedly, the Applicant has not assaulted the deceased - Sagar. The Applicant is alleged to have assaulted the Complainant - Nilesh Shinde with a cement block on his legs. The Injury Certificate of Nilesh shows that he has suffered a linear abrasion over his right leg and lower side foot and a contusion over his right leg on lower side. The nature of injury is stated to be simple. There are no antecedents qua the Applicant.

6. Considering the role of the Applicant and the fact that investigation is complete and charge-sheet is filed and the fact that there are no antecedents qua the Applicant, 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 not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) 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;
- (iv) The Applicant to cooperate with the conduct of the trial;
- (v) 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 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)