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

CRIMINAL BAIL APPLICATION NO.1282 OF 2017

Sagar Dnyandeo Sargar

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms.P.P.Kakade, for the Applicant.

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

API – A.K.Shendage, Malshiras Police Station, Solapur Rural.

CORAM : REVATI MOHITE DERE, J.

DATE : 20th JUNE, 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.41 of 2017 registered with the Malshiras Police Station, 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 seeks bail on the ground of parity. She submitted that similarly placed co-accused – Bajirao Sopan Sargar has been enlarged on bail by this Court, vide order dated 7th June, 2017 passed in Criminal Bail Application No.1176 of 2017. She submitted that investigation is complete and charge-sheet is filed.

4. Learned APP does not dispute the aforesaid.

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. Considering the aforesaid, 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 and disposed of in above terms.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

(REVATI MOHITE DERE, J.)