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

CRIMINAL BAIL APPLICATION NO.1322 OF 2017

Suraj Dadaso Tadakhe	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.V.R.Gaikwad, for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 19th 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.34 of 2017 registered with the Borgaon Police Station, Satara for the alleged offences punishable under Sections 307, 143, 147, 148, 149, 323, 324, 504 and 506 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that the applicant

has been falsely implicated in the said case. He submits that the applicant is alleged to have assaulted the complainant – Sagar and his brother – Santosh. He submitted that the injury certificate of Santosh shows that the injuries sustained by Santosh are simple in nature. He submitted that investigation is complete and charge-sheet is filed. He further submitted that the applicant is ready to stay outside the jurisdiction of Satara District.

4. Learned APP opposed the application. He submits that although Santosh has received simple injuries, the same are caused with a knife used by the applicant. He does not dispute the fact, that the complainant – Sagar's injury certificate is not on record.

5. The incident has taken place on 1st February, 2017 at about 8.30 p.m. at Nagthane Market open space and FIR has been lodged on 3rd February, 2017. According to the complainant – Sagar, he and his brother–Santosh had being to the Market and that he was sitting with a girl named – Pooja in the giant wheel. It is alleged that after 15 – 20 minutes, 3 to 4 persons came and assaulted his brother–Santosh and when complainant went to resolve the quarrel, he was also assaulted. He has stated that

suddenly the lights went off and that someone (applicant) assaulted the complainant and his brother-Santosh with a knife. It is alleged that the said person questioned the complainant and his brother as to why they were sitting with Pooja in the giant wheel. Sagar's (complainant) injury certificate is not on record. The applicant is alleged to have assaulted complainant's brother – Santosh with a knife. The injury certificate of Santosh shows that he has sustained simple injuries.

6. It appears from the statement of the witnesses that the applicant had assaulted Santosh with a knife and that he had questioned them as to why they were sitting with Pooja in the giant wheel. Investigation is complete and charge-sheet is filed. The applicant has no antecedents. Learned Counsel for the applicant states that the applicant will not enter the jurisdiction of Satara Police Station, and will stay at Kasegaon, Taluka – Walwa, District- Sangli. The said statement is accepted. Considering the aforesaid, 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 furnishing P.R. Bond in the

sum of Rs.50,000/- with two local solvent sureties in the like amount;

ii) The Applicant shall not enter the jurisdiction of Satara Police Station, except for attending the Court, on the dates give, till the conclusion of the trial;

iii) The Applicant shall reside in Kasegaon, Taluka – Walwa, District-Sangli, and shall attend the Kasegaon Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

iv) The Applicant shall inform his fresh/latest place of residence, where he intends to reside and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

v) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;

- vi) The Applicant shall attend the trial Court on every date of the hearing;
- vii) The Applicant shall not commit similar offence;
- viii) The Applicant shall co-operate in the conduct of the trial;
- ix) An undertaking to the aforesaid clauses (ii) to (viii), shall be filed by the Applicant, in the Registry of the trial Court, within two week's after his release;
- x) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.
- xi) The trial of the applicant is expedited.

7. The Application is allowed and disposed of in above terms.

8. 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.

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

(REVATI MOHITE DERE, J.)