

Anand

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

BAIL APPLICATION NO.1345 OF 2017

Umesh Khandagale .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.P.G.Sarda i/b. Mr.M.B.Zanwar, Advocate, for the Applicant
Mr.S.R.Agarkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 18.07.2017

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, 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 Chaugule. He submitted that the Applicant is alleged to have assaulted

Kesarabai Shinde and Shakuntala Sawant and that both of them have sustained simple injuries. He further submits that infact, both, Kesarabai and Shakuntala have in their statements, not attributed any overt act to the Applicant, in the assault on them and have instead stated that the Applicant assaulted some other injured (not the deceased). Learned counsel for the Applicant also seeks bail on the ground of parity. He submits that co-accused – Pradip Karpe and Kishor Londhe have been enlarged on bail by this Court.

4. Learned APP does not dispute the fact, that the Applicant is not alleged to have assaulted the deceased – Sagar Chaugule. He also does not dispute the fact, that the Applicant has no antecedents.

5. Perused the papers. It appears that there were some quarrels which took place on the day of the incident i. e. 27.07.2016. It is not in dispute, that the Applicant has not assaulted the deceased – Sagar. The Applicant is alleged to have assaulted Kesarabai Shinde and Shakuntala Sawant with a stick. The injuries sustained by both the ladies are simple injuries. Surprisingly, both, Kesarabai and Shakuntala have in their statements not attributed any overt act to the Applicant in the assault on them, and have instead stated, that the Applicant assaulted some other

injured (not the deceased). The Applicant has no antecedents. Investigation is complete and charge-sheet is filed. There is also parity with the co-accused who have been enlarged on bail.

6. Considering the role of the Applicant and the fact that investigation is complete and charge-sheet is filed and the fact that the Applicant has no antecedents, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

- (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 contact or attempt to influence the complainant or any persons concerned with the case;
- (iii) The Applicant shall co-operate in conduct of the trial.

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.)