

Anand

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

BAIL APPLICATION NO. 2459 OF 2017

Amogh Ajit Ranade .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. R. Kate, Advocate, for the Applicant
Mr. S. H. Yadav, APP, for the Respondent No. 1 – State
Mr. Niranjana Mundargi, Advocate, for the Intervenor

CORAM : A.S.GADKARI, J.

DATE : 05.12.2017

P.C.

. This is an application under Section 439 of Cr. P.C. for bail in CR No. 199 of 2017 registered with Mundhwa Police Station, Pune (City) under Sections 326, 354, 506, 323 r/w 34 of the Indian Penal Code.

2. Heard the learned counsel for the Applicant, the learned counsel for the Intervenor and learned APP.

3. It is the prosecution case that the informant Parth R. Vyas had been to Local Gastro Hotel for dinner, along with his friends namely Shantanu Roy, Ms Simran Kochar & Ms Radhika Rizwan on 05.07.2017. At about 11.30 p. m. one boy teased his friend Ms Simran and touched her inappropriately. That therefore, the first informant and

his friends reported the said fact to the management of the hotel, upon which the said person and his friends were driven away from the hotel. That at about 1.25 a. m. of 06.07.2017 after finishing dinner, when the first informant alongwith his friends came out of the hotel, the boy who had teased Simran came there along with his three other friends and assaulted the informant with belts and hit him with a brick on his head. The person who assaulted the informant with a brick on head has been identified as Pranav V. Datar (accused No. 1). In the premise, the first information report is lodged. During the course of investigation, the Applicant came to be arrested on 06.07.2017 and after completion of investigation, the police have submitted charge-sheet.

4. Perused the charge-sheet.

It appears from the record that the Applicant was not known to the informant and has been identified in test identification parade conducted by the police after his arrest. In the said test identification parade, the informant has identified the Applicant as the person who assaulted him at the said club. Apart from the said circumstance, there is no other material available against the Applicant on record. The main role of assault with a brick on the head of first informant has been attributed to the Pranav V. Datar (accused No. 1). The witnesses to the said incident are corroborating the version of first

informant in that behalf. It is submitted that there are no antecedents at the discredit of the Applicant.

5. In view of the above, the Applicant can be released on bail.

Hence, the following Order:

(i) The Applicant be released on bail in CR No. 199 of 2017 registered with Mundhwa Police Station, Pune (City) on his furnishing PR bond of Rs. 25,000/- with one or two solvent local sureties in the like amount;

(ii) After his release from the jail, the Applicant shall not enter the jurisdiction of Mundhwa Police Station, Pune (City) till the conclusion of trial except for marking presence before the concerned trial Court as directed hereinbelow;

(iii) After his release from the jail, the Applicant shall attend the concerned Police Station every 1st Monday of the month between 10.00 a.m. to 1.00 p.m. till the conclusion of trial;

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)