

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1453 OF 2017**

Lakhan Myandeo Kumbhar

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Kalpesh U. Patil for the Applicant

Mr. S. H. Yadav, A.P.P for the Respondent-State

HC Mr. S. B. Magar from Natepute Police Station, Solapur, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 20th JULY, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 122 of 2017 registered with the Natepute Police Station, Solapur, for the alleged offences punishable under Sections 307, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that the applicant is not the person, who is alleged to have assaulted the injured/complainant. He submits that the applicant was riding the motorcycle and that co-accused-Shivaji was sitting behind as a pillion rider. He submitted that it is co-accused-Shivaji, who held the complainant and injured him with a koyta.

4. Learned A.P.P does not dispute the aforesaid.

5. Perused the papers. The incident has taken place on 2nd June, 2017. The complainant is Chaitanya. According to the complainant, the present applicant along with co-accused-Shivaji came on a motorcycle and asked the complainant as to where Vaibhav and Mahendra were. He has alleged that he disclosed to them, that he did not know where they were, pursuant to which, the accused asked his name and started abusing him. It is alleged that co-accused Shivaji, who was riding pillion on the applicant's motorcycle assaulted the complainant with a koyta on his neck and caused injury on his arms, hands and legs, however, the complainant rescued himself and ran away from the spot. The applicant is not alleged to have

assaulted the injured, but is alleged to have instigated co-accused-Shivaji to catch the complainant, when he ran away from the spot. The applicant has no antecedents.

6. Considering the role of the applicant, 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 executing PR Bond in the sum of Rs. 10,000/- 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 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 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.

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

REVATI MOHITE DERE, J.