

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1314 OF 2017**

Rajendra Baburao Gotal	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 591 OF 2017
(For Intervention)
IN
CRIMINAL BAIL APPLICATION NO. 1314 OF 2017**

Maruti Tukaram Lokare	...Intervener
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IN THE MATTER BETWEEN :

Rajendra Baburao Gotal	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Prasanna K. Shahane i/b Mr. Milind Deshmukh for the Applicant

Mr. S. R. Agarkar, A.P.P for the Respondent-State

Mr. P. G. Sarda for the Intervener in APPP/591/17

PC Mr. D. R. Arjun from Indapur Police Station, Pune, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 6th 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. 290 of 2017 registered with the Indapur Police Station, Pune, for the alleged offences punishable under Sections 307, 324, 323, 504, 506 r/w 34 of the Indian Penal Code and under Section 3(25) of the Arms Act.

3. Learned Counsel for the applicant states that with respect to the incident dated 6th May, 2017, there is a cross complaint lodged by the applicant's side. He submits that the applicant has also received injuries in the said incident. He submits that the main allegations are as against Samadhan Gutal. According to the learned Counsel, although it is the prosecution case that the applicant assaulted Jaywant Lokare with a stone on his head, the affidavit filed by Jaywant Lokare before the trial Court for opposing the bail application shows, that he has not attributed any overt act to the present applicant. He submits that the applicant is 65 years of age and is in custody since 7th May, 2017.

4. Learned A.P.P opposed the application. Mr. Sarda, learned Counsel for the intervener supports the learned A.P.P.

5. Perused the papers. The incident has taken place on 6th May, 2017. It appears that with respect to the incident dated 6th May, 2017, the applicant's side has also lodged an FIR which is registered vide C.R. No. 292 of 2017 with the Indapur Police Station for the alleged offences punishable under Sections 324, 323, 504, 506 r/w 34 as against the complainant in the present C.R. and others.

6. The applicant is alleged to have pelted a stone on Jaywant Lokare. A perusal of the injury certificate of Jaywant Lokare shows that he has sustained three injuries i.e. on the right palm, on the forehead and an abrasion on his left hand second finger. The applicant is aged 65 years and has been in custody since 7th May, 2017. The investigation is almost complete.

7. 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 executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

(ii) The applicant shall not enter the jurisdiction of Indapur District, till the filing of the charge-sheet.

8. The application is accordingly disposed of.

9. 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.

10. In view of the disposal of the bail application, intervention application being Criminal Application No. 591 of 2017 does not survive. The same stands disposed of.

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

REVATI MOHITE DERE, J.