

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1751 OF 2017**

1. Swapnil Maruti Walunj,
 2. Shubham Khandpaa Hulmojage,
 3. Kaustubh Chandrashekhar Vaidya,
 4. Mayur Sahrbrao Sandbhor,
 5. Rohan Hanumant Gaikwad
- ...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Satyam H. Nimbalkar for the Applicants

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

PC Mr. D. N. Dhadvad from Ghodegaon Police Station, Pune, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 2nd AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 153 of 2017 registered with the Ghodegaon Police Station, Pune, for the alleged offences punishable under Sections 325, 143, 147, 279, 337, 338, 427, 326 of the Indian Penal Code and under Sections 134(A)(B), 184, 185 of the Motor Vehicles Act.

3. According to the complainant, the incident took place on 2nd July, 2017 at around 11:00 a.m., when he had gone to his daughter Pallavi's house at Ghodegaon. He has stated that his son-Dipak and his son-in-law-Satish were coming from Bhimashankar on different motorcycles, when the incident took place. He has alleged that at about 5:45 p.m., his son-in-law-Satish informed him, that Dipak had met with an accident, near Belhware Vasti and that the occupants of a car had assaulted him. He has alleged that his son-in-law-Satish also informed him, that while they were going to Village Dimbhe, one Maruti Brezza bearing No. MH-14-FX-3141 dashed Dipak's motorcycle, pursuant to which, Dipak fell down; and that the applicants got down from the Car and assaulted Dipak with fists and kick blows. It is further alleged that the applicants were under the influence of alcohol. In the scuffle that took place, Dipak sustained injuries on his ears, eyes, head, private parts, etc.

4. A perusal of the FIR shows that the incident took place at the spur of the moment. The injury certificate of Dipak shows that he had suffered multiple abrasions and a blunt trauma over the body. None of the injuries are stated to be grievous injuries. It appears that pursuant to the

accident that took place between the applicants' vehicle and Dipak's motorcycle, Dipak fell down, after which, the applicants are alleged to have assaulted Dipak with fists and kick blows. Admittedly, the applicants were not armed with any weapon. Although, it is submitted that no offence under Section 326 is disclosed *qua* the applicants, the same is a matter which will be decided by the trial Court. The applicant Nos. 1 to 4 are in custody since 3rd July, 2017 and applicant No. 5 is in custody since 5th July, 2017. Their further detention is not necessary.

5. In the peculiar facts of the case, the application is allowed and the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station on the every Saturday between 10:00 a.m. to 12:00 noon, till the filing of the charge-sheet or for a period of three months, whichever is earlier;

- (iii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
 - (iv) The applicants shall inform their latest place of residence and mobile contact numbers 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;
 - (v) The applicants to cooperate with the conduct of the trial.
6. The application is accordingly disposed of.
7. 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.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.