

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2319 OF 2017**

Badal Ashok Salunkhe	.. Applicant
vs	
State of Maharashtra	.. Respondent

Mr.U.R.Agandsurve for Applicant
Mr.Vinod Chate APP for State
Mr.Sagar Kute PSI Akluj Police Station present

Coram : A.S.GADKARI, J
Date : 16th NOVEMBER 2017

P.C.

This is an Application under section 439 of Cr.P.C. for bail in C.R.No.295 of 2017 registered with Akluj Police Station under sections 307, 326, 324, 143, 147, 148,149 of IPC.

2. It is the prosecution case that due to earlier enmity, the Applicant along with accused persons assaulted the injured witness Dipak Parmar on 2.7.2017 at about 9.15 a.m. The First information report is lodged by Kishore Parmar brother of the injured witness Dipak Parmar. During the course of investigation, the Applicant came to be arrested on 2.8.2017 and after completion of investigation, the police have submitted the charge sheet.

3. Perused the charge sheet.

4. The injured witness-Dipak Parmar in his statement recorded on 24.7.2017 has stated that due to earlier enmity, five accused persons including the Applicant encircled him on 2.7.2017 at 9 a.m. and assaulted with sickle and hammer and other weapons. It is categorically stated that Accused no.1-Veer Salunkhe gave a blow with a hammer on his head, the Accused-Jaggu Salunkhe assaulted him with a sickle, Accused- Akshay Manohar Salunkhe and Accused-Akshay Jaggu Salunkhe assaulted with sticks. It is stated that the Applicant was holding an iron rod was present at the scene of the offence along with other Accused persons. The medical certificate issued in favour of the injured witness-Dipak Parmar mentions two injuries on his head and nostril. The injury to his head is stated to be grievous and injury to the nostril is stated to be a simple injury. The injury to head is caused because of the assault committed by Accused-Veer Salunkhe.

Prima facie, it appears that there is no corresponding injury received by the said witness at the hands of the Applicant. It

appears that the Applicant was the member of the said unlawful assembly, however, he did not assault the first informant.

4. In view thereof, applicant can be released on bail.

Hence, the following order :

(i) The Applicant be released on bail in CR No.295 of 2017 registered with Akluj Police Station, Solapur on his furnishing PR bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(ii) Applicant shall attend concerned police station on every first Monday of the month between 10.00 a.m. to 2.00 p.m.

(iii) Applicant shall attend all the dates before the trial Court.

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

Application is allowed in aforesaid terms.

(A.S.GADKARI, J)