

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

**BAIL APPLICATION NO.2618 OF 2017
ALONGWITH**

INTERVENOR APPLICATION NO.1145 OF 2017

Prashant alias Bala Madhav Mandekar Applicant

Vs.

The State of Maharashtra Respondent

Mr. S.S. Redekar for the Applicant.

Mr. Niranjan Mundargi i/by Mr. Subir Sarkar for Intervenor.

Mr. S.H. Yadav, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 15th December, 2017

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Civil Procedure for bail. The applicant herein is arrested on 24th August 2017 in Crime No. 199 of 2017, registered with Mundhwa Police Station, District Pune, on 6th July, 2017, for the offences punishable under Sections 326, 354, 506(1), 323 read with 34 Indian Penal

Code. The investigation is completed and the charge-sheet is filed under Section 307 Indian Penal Code.

3 It is the case of the prosecution that on 6th July 2017, one Parth Vyas lodged a report at the Police Station that on 5th July, 2017, he had been to the complainant alongwith his female friend to Local Gastro Hotel for dinner. At about 11.30 pm., one unknown person came to the table and requested him to introduce his female friend to the unknown person. The complainant denied to oblige. It is alleged that at the table, one of the person had touched the female friend of the complainant inappropriately. When his female friend had been to the wash-room, the complainant had guarded as he had apprehended some mischief at the hands of the unknown person. It is alleged that at that point of time, unknown persons assaulted the complainant and at about 1.25 am. of 6th July 2017, when the complainant and his friends were returning home, the complainant was assaulted by some persons with a belt and bricks. He had sustained injuries. He was taken to the hospital. According to him, upon enquiry he had learnt that the name of one of the person was Pranav Datar. In the course of investigation, the identity of the unknown persons was fixed to the present applicant. The applicants were arrested. He was subjected to test identification parade and has been identified by the complainant.

4 Perused the injury certificate. It appears that the complainant had sustained depressed communitated fracture of left posterior parietal region and lacerated injury on left temporo-occipital region.

5 Learned counsel for the applicant submits that the co-accused Amogh Ranade has been enlarged on bail by this Court (Coram : A.S. Gadkari, J.) on 5th December 2017. By virtue of doctrine of parity, the applicant could be entitled to grant of bail.

6 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

1 The application is allowed.

2 The applicant be enlarged on bail in Crime No.199 of 2017, registered with Mundhwa Police Station, on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

3 The applicant shall not enter into the jurisdiction of Mundhwa as well as Vimannagar till the conclusion of the trial.

4 The applicant shall furnish his cell-phone number as well as cell-phone and land-line nos. of his sureties.

5 The applicant shall report Kothrud Police Station on first Sunday of each month till conclusion of trial.

6 Intervention Application is heard. The same is allowed and disposed of.

(Smt. Sadhana S. Jadhav, J)