

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

BAIL APPLICATION NO.2386 OF 2016

Praful @ Paply Mahadeo Adsul Applicant

versus

State of Maharashtra ... Respondent

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- Mr.Satyavrat Joshi, Advocate for the Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.
- PSI – Mr.D.S. Zadate, Sangvi Police Station.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 03rd MARCH, 2017.**

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused is prosecuted for the offences punishable under sections 307, 323, 34 of the Indian Penal Code and 4 (25) of the Arms Act in C.R.No.96/16 of Sangli Police Station, Pune. The offence is registered at the instance of Vyakatesh Sahadev Talwar on 08/04/2016.

2. It is the case of prosecution that the incident of assault took place on 08/04/2016. The complainant Vyakatesh Talwar

Nesarikar

was injured in this assault and gave complaint. It is his case that his friend Kisan Kamble and main accused Gotya Gaikwad had fight one year prior to the date of the incident and thereafter they used to quarrel with each other and they were on inimical terms. On 08/04/2016 there was verbal altercation between Praful Adsul i.e. the applicant/accused and one person Deshpal, who is friend of Gotya Gaikwad and Kisan Kamble in the morning. Thereafter in the afternoon at around 12.30 noon when the complainant alongwith friend Hasan Haji Shaikh was chitchatting, main accused Gotya Gaikwad, the applicant/accused and one Paplya arrived there on motorcycle and thereafter Gotya Gaikwada who was armed with sickle gave many blows on the person of the complainant and when his friend Hasan Haji Shaikh intervened, Gotya Gaikwad assaulted him also with sickle. The applicant/accused assaulted complainant and Hasan Shaikh with stone and helped Gotya. Thereafter offence was registered at C.R.No.926/16 at Sangvi Police Station, Pune. The applicant/accused was arrested on 09/04/2016. Hence this bail application.

3. The learned counsel for the applicant/accused submitted that the applicant/accused is 21 years old boy. He does not have criminal antecedents. He was not armed with weapon. The injuries which are inflicted on the person of the applicant/accused were given by principal accused Gotya Gaikwad. The learned counsel of the applicant/accused submitted that the applicant/accused is in prison since 09/04/2016. Considering this fact, he be released on bail.

4. The learned prosecutor opposed the bail application. He submitted that the complainant and Hasan Haji Shaikh have sustained 9 incised wounds and some of them were of grievous nature. He further submitted that the applicant/accused has also participated in assault and there are 5-6 eyewitnesses to this incident of assault.

5. Perused the FIR and the statement of the other witnesses. Perused injury certificates. The injury certificates

disclose that the complainant and witness Hasan Haji have sustained 9 incised wounds each. This shows that Gotya Gaikwad who was holding sickle has assaulted both the persons viciously and the incident was seen by 4-5 eyewitnesses. The presence of applicant/accused cannot be disputed at this stage. However, the role attributed to the applicant/accused is limited. He was not holding any weapon. He assaulted the injured with stone, which was lying there. No such grievous injury is seen caused due to stone. As per the submissions of the learned counsel, the applicant/accused does not have criminal record and he is a boy of 21 years old. In view of these facts and submissions of learned prosecutor, I allow this application for bail on the following terms and conditions :

ORDER

- (i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.40,000/- with one or two solvent sureties in the like amount.

- (ii) The applicant/accused shall not jump the bail and he shall attend all the Court dates.
- (iii) The applicant/accused shall not tamper with the evidence or pressurize the complainant.
- (iv) The applicant/accused shall not commit any offence especially against the human body and the property when he is on bail.
- (v) The prosecution is at liberty to make an application for cancellation of bail if the condition imposed herein are violated.

6. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)