

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

CRIMINAL BAIL APPLICATION NO.2796 OF 2017

Mohan @ Bandu Fadnis Pawar & Anr.

..Applicants

vs.

The State of Maharashtra

...Respondent

Mr. M. S. Mohite a/w Mr. Samadhan Kashid I/b Mr. Sachin K. Hande for the Applicants.

Mr. Ajay Patil, APP for the Respondent .

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 18th December, 2017

P.C.:

. Heard. Learned counsel for the Applicants upon instructions submits that application of Applicant No.2 will not be pressed at this stage and he would file an application after charge-sheet is filed. This is an application under section 439 of Cr.P.C. The Applicant herein is arrested on 13/11/2017 in Crime No.267/2017 registered at Tasgaon Police Station for the offences punishable under sections 307, 338, 323, 504, 427, 143, 147, 149 of Indian Penal Code.

2. It is the case of prosecution that on 17/10/2017 Sushant Pawar lodged a report at the Police Station alleging therein that on 17/10/2017 there was a gram panchayat election of Manerajuri village. The first informant was polling agent for his aunt Sou Deepali Sunil Pawar who was contesting the election. The associates of the present Applicant were within the prohibitory area of 100 meters. That the polling agent had obstructed the other persons within 100 meters area. At that stage the present Applicant had intervened and assaulted the informant with the stones .It is alleged that the first informant had received injuries on his head, shoulder and hand.

3. Perused the papers of investigation more particularly the injury certificate issued by Dr. Prani on 24/10/2017. The said Doctor has examined the injured on 16/10/2017 by 2.15 p.m. and the first informant had sustained two simple injuries on his occipital region and also suffered cerebral edema. That the injured was admitted on 16/10/2017 and was discharged on 17/10/2017

4. Learned counsel for the applicant submits that the said incident had occurred at the spur of moment and that the Applicant had no intention to cause any injury to the first informant.

5. In the facts of the case, Applicant No.1 deserves to be enlarged on bail. It is made clear that the application of Applicant No.2 has not been heard on merits.

6. The observations made hereinabove are prima facie in nature and shall not be considered for quashing of FIR, discharge application or at the time of trial as they are restricted only to an application under section 439 of the Code of Criminal Procedure. Hence, the order:

ORDER

1. Applicant No.1-Mohan @ Bandu Fadnis Pawar be enlarged on bail on furnishing P. R. bond in the sum of Rs.20,000/- with one or more sureties in the like amount.

2. Applicant No.1 shall report to the concerned police station on every Sunday between 10.30 a.m. and 12.00 noon and shall not tamper with the evidence.

Application is allowed in the above terms and stands disposed of.

(SADHANA S. JADHAV, J.)