

Sarnobat

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

CRIMINAL BAIL APPLICATION NO. 186 OF 2018

Gulab Maksud Saudagar.	.. Applicant.
Vs.	
The State of Maharashtra.	.. Respondent.

Mr. Aniket U. Nikam i/by Mr. Ashish Satpute, for the Applicant.
Mr. Y. M. Nakhwa, APP for the Respondent.
Mr. Bapu Pingle, API, Uttam Nagar Police Station.

CORAM : P. N. DESHMUKH, J.

DATE : 5th APRIL, 2018.

P. C. :

1. This application for grant of bail in Crime No. 74/2017 filed by one of the accused, for offence under Sections 397, 394, 504, 506 r/w 34 of IPC and under Section 37(1)(3) r/w 135 of Bombay Police Act and under Section 4(25) of Arms Act.

2. Learned counsel for applicant submits that charge-sheet is filed. From the documents only involvement of applicant is in the first incident which is alleged to have occurred in the night intervening 22nd August, 2017 and 23rd August, 2017 at about 11.30 pm when applicant along with co-accused came at the stall of complainant Sanket Mundlik and they have abused him. It is submitted that statement as aforesaid is also corroborated by the statement of Suraj Pardeshi that at 11.30

pm he was present with complainant Sanket Mundlik. It is therefore, submitted that considering limited role attributed to applicant as aforesaid, application be allowed by imposing suitable conditions.

3. Learned counsel for applicant by referring to further portion of report submitted that admittedly, from its contents no involvement of applicant is found in the second incident which took place in the same night at about 3.30 am where co-accused only are involved to have removed amount of Rs.8,000/- on the point of Kukari from the possession of complainant, in the presence of Ganesh Patankar. Admittedly, statement of Ganesh Patankar also do not implicate the applicant in the subsequent incident of 3.30 am.

4. Perusal of report dated 23rd August, 2017, substantiates the facts as aforesaid, as incident which took place at 11.30 pm applicant's involvement is only with respect of committing assault by hand on complainant as also stated by eye witness Suraj Pardeshi.

5. Admittedly no involvement of applicant is claimed even by complainant in the 2nd incident which took place at 3.30 am . In view of available evidence as aforesaid and since charge-sheet is filed, application is allowed as per order below;

ORDER

- (i) The applicant in Crime No. 74/2017 registered with Uttamnagar Police Station, Pune, shall

be released on bail on his executing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.

- (ii) While on bail applicants shall mark his presence with Uttamnagar Police station on the first day of month initially for a period of Six months and thereafter quarterly on the first day of each month.

[P. N. DESHMUKH , J.]