

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

BAIL APPLICATION No. 645 OF 2018

Sachin Sanjay Navale

....Applicant

Vs.

State of Maharashtra

....Respondent

Mr. Priyal Gopaldas Sarda for Applicant

Mr. Vinod Chate – APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 25, 2018

P.C.

1. Heard. This is an application under section 439 of the Criminal Procedure Code.

2. The Applicant herein is arrested on 3.9.2017 in Crime No. 449 of 2017 registered at Wanwadi Police Station, Pune for the offence punishable under Section 307, 120B, 143, 144, 146, 147, 148, 149 of the Indian Penal Code, under Section 7 of Criminal Law Amendment Act and under Section 37(1) (3) r/w. 135 of Maharashtra Police Act and under Section 4(25) of the Arms Act.

3. It is the case of the prosecution that on 6th May, 2017, Krishikesh Kolge

was admitted in the hospital with multiple injuries. Since it was a medico legal case, the statement was recorded by the police. He had disclosed to the police that on 6th May, 2017, Sagar Sakhare had overtaken the motorcycle of one of his friends i.e. Vinayak Kumar. Hence, there was an incident of road-rage. As a corollary to the same, on the same day, in the evening when the injured was passing on the road, he was apprehended by Sagar Sakhare, Shubham Kamte and others who were armed with deadly weapons. He had tried to rescue himself. He was being chased by the present Applicant and others and he was brutally assaulted by them. Due to assault, he was hospitalized and treated as indoor patient.

4. The learned counsel for the Applicant vehemently submits that in the present case, there are sixteen accused persons, out of which fifteen are enlarged on bail.

5. The learned APP submits that a specific role is attributed to the present Applicant and he has criminal antecedent of

similar nature and, therefore, he does not deserve to be enlarged on bail.

6. It is true that Krishikesh Kolge had sustained grievous injuries. Taking into consideration the fact that the Applicant has been in custody for about

more than nine months and the charge-sheet is filed, this Court is inclined to release the applicant on bail by imposing stringent conditions viz. the Applicant shall not reside in Pune City or Rural till framing of the charge without permission of the Court.

7. The learned counsel for the Applicant, upon instructions, submits that the Applicant would reside in District Ahmednagar till framing of the charge.

8. The observations are restricted to an application under section 439 of the Criminal Procedure Code and shall not be taken into consideration while deciding the discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The Applicant be enlarged on bail on furnishing P.R. Bond of Rs.50,000/- and one or more sureties in the like amount.
- (iii) The Applicant shall not reside in Pune City or Rural till framing of charge without permission of the Court.

- (iv) The Applicant shall report to the Tophkanaa Police Station, Ahmednagar on 1st and 3rd Sunday of each month till framing of charge.

Bail Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]