

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

BAIL APPLICATION NO.765 OF 2018

Anand Dilip Karale		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Aniket U. Nikam for the Applicant.
Ms. Veera Shinde, APP for the State.
Mr. Khedekar, API, Vimantal Police Station, Pune

Coram : Smt. Sadhana S. Jadhav, J.
Date : 26th June, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 29th October 2017 in Crime No.409 of 2017, registered at Vimantal Police Station, District Pune for the offences punishable under Sections 307, 326, 323, 504, 506 read with 34 of Indian Penal Code. The investigation is completed and the charge-sheet is filed on 25th January 2018.

3 It is the case of the prosecution that on 29th October 2017, Shoobham Ramchandra Gaikwad lodged a report at the police station alleging therein that he had given his motorcycle to Vishal Kapase. Vishal Kapase and Ram Sasane had been to Yamuna Nagar. At that time, there was a quarrel between Kanha Tupe and Ram Sasane. The informant was present at the spot. There was an altercation. Kanha had assaulted Ram initially on his head and then on his back. In the meanwhile, the present applicant had held the first informant thereby facilitating assault on him by Kanha.

4 Perused the injury certificate of the first informant. The first informant had sustained an incised wound over the right shoulder. As per the medical records, it was a simple injury, which was sutured.

5 Learned counsel for the applicant submits that the present applicant was not armed with any weapon, the only allegation against the present applicant is that he had held the

complainant and therefore, he deserve to be enlarged on bail. Learned APP, upon verification submits that the applicant has no criminal antecedents. The applicant has been in custody for more than eight months. In view of this, the applicant deserves to be enlarged on bail.

6 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.20,000/- with one or more solvent sureties in the like amount.

(*Smt. Sadhana S. Jadhav, J*)