

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO.1116 OF 2018**

Vishal Dattatray Daundkar                      ....    Applicant  
      Vs.  
The State of Maharashtra                      ....    Respondent

Mr. Satyavrut Joshi for the Applicant.  
Mr. S.H. Yadav, APP for the State.  
Mr. Prashant A. Pawar, API, Chakan police station, Pune (Rural)

***Coram : Smt. Sadhana S. Jadhav, J.***  
***Date : 13<sup>th</sup> July, 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 5<sup>th</sup> January 2018 in Crime No.22 of 2018, registered at Chakan Police Station, District Pune, for the offences punishable under Sections 307, 323 read with 34 of Indian Penal Code and Section 4 read with 25 of Indian Arms Act.

3           It is the case of the prosecution that on 4<sup>th</sup> January 2018, Pratik Tanaji Potale was admitted in Unicare Hospital with severe head injury. Being a medico legal case, his statement was recorded by the Police. He is in transport business. That on 4<sup>th</sup> January 2018, he was informed by his father that when he was going alongwith his driver to supply corn feed to the Goshala at about 1.30 pm., one person had obstructed their way at Vadgaon, Ghenand Chowk, Alandi. They had questioned them as to why they have overtaken the motorcycle by cutting their way. Initially they had assaulted with fists and kicks blows. Upon enquiry, it was learnt that his name was Vishal Daundkar i.e. the present applicant. On the same day in the evening at about 6.30 pm., when the complainant was passing through Mohitewadi Chinchoshi road, his father had identified the person who had obstructed the way and therefore the complainant had enquired with him the reason for assault. At that stage, the complainant was assaulted with an iron rod on the head and back. He was taken to Unicare Hospital. The CT Scan indicated that he had sustained undisplaced fracture on his head. The complainant

was treated as an indoor patient for about 9 to 10 days and is discharged from the hospital.

4           It appears to be a case of road rage. That the complainant had sustained grievous injuries. The applicant has no criminal antecedents. The applicant has been in custody since 5<sup>th</sup> January 2018. The investigation is completed and charge-sheet is filed. In view of this, the applicant deserves to be enlarged on bail.

5           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.50,000/- with one or more solvent sureties in the like amount.
- iii )         The applicant shall not reside in Taluka Khed till conclusion of the trial, except the scheduled dates at the time of trial.

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