

16- BA 1360 of 2018

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

BAIL APPLICATION No. 1360 OF 2018

Sunil Tukaram Daundkar

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Veerdhaval Kakade for Applicant

Mr. Y.Y. Dabake -APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 12, 2018

P.C.

1. Heard. This is an application under section 439 of the Criminal Procedure Code.
2. The Applicant herein is arrested on 17th December, 2017 in Crime No. 703 of 2017 registered at Pimpri Police Station for the offences punishable under section 307, 504 r/w. 34 of the Indian Penal Code.
3. It is the case of the prosecution that on 17th December, 2017, Sagar Nalawade was admitted in the YCM Hospital with history of injuries on his person. Since it was a medico legal case, the statement of Sagar Nalawade was

recorded. He had disclosed that he was acquainted with the present Applicant, Santosh Devkar , Avinash Kusalkar and Gotya Devkar. There are also cases registered against all of them. That at about 12.30 midnight, there was a quarrel between Gotya Devkar and Anil Pawar. The informant tried to intervene in the quarrel and pacify them, however, at that time, the accused viz. Santosh Devkar, present Applicant and Avinash Kusalkar were also present. The said persons were armed with iron rods. That there was an altercation, in which, the present Applicant had allegedly assaulted the Complainant with an iron rod on his legs and back, thereby causing injury to his legs.

4. In the course of investigation, it had transpired that except the present Applicant, there were police cases against the complainant and the other accused. The certificate issued by YCM Hospital indicates that the complainant had sustained two contusions on his parital region of head and occipital region of head and one abrasion over the back. The role attributed to the Applicant is that he had assaulted the complainant on his legs and back. The injury on the back is abrasion.

5. The learned APP submits that the Applicant has no criminal antecedents.

6. In view of this, the applicant deserves to be enlarged on bail. The observations are primary in nature and shall not be considered for discharge

application or at the time of trial. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- and one or more solvent sureties in the like amount.
- (iii) The Applicant shall not reside in the limits of Pimpri Chinchwad Municipal Corporation till the conclusion of the trial.
- (iv) The Applicant shall report to the Shivaji Nagar Police Station on every alternate Sunday till framing of charge.
- (v) Within four weeks from the date of his release, the Applicant shall furnish his address, cell phone number etc. to the I.O. to the concerned police station.

The application for bail stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]