

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1422 OF 2018**

Ejaj Isak Sheikh. .. Applicant.

V/s.

State of Maharashtra .. Respondent.

Mr. Satyavrat Joshi, advocate for applicant.

Mr. Rajan Salvi, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 11, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicant herein is arrested on 20/1/2018 in Crime No. 35 of 2018 registered at Dattawadi Police Station, Pune for offence punishable under section 307, 323, 504, 506, 427, 143, 147, 148, 149 of the Indian Penal Code. Investigation is completed and charge-sheet is filed on 16/4/2018 for the above mentioned offences.

3 It is the case of the prosecution that on 18/1/2018 Suraj Kamble was admitted in Smt. Kashibai Navale Hospital at Ambegaon ,

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Pune. Since it was medico legal case, the statement of the injured was recorded. He has disclosed to the police that on 17/1/2018, he was chatting with his friends near S.T. Collony. At that time, Abhijit Adagale alongwith 10 to 12 person had approached them and was talking of settling the dispute which had occurred on the earlier occasion. At that time, suddenly, he had directed his associates to assault Suraj. Hence, Suraj was assaulted. He has sustained grievous injuries.

4 The injury certificate shows that he had sustained three incise wounds, which were grievous in nature. The injuries were on the scapular region. Hence, the offence is registered.

5 The applicant has not been named in the FIR. However, the statement of Abhijit Adagale shows that on 17/1/2018 the applicant was moving in the company of Ashutosh Kasasbe. That their associates Sonya Khandagale, Monya Khandagale and Bhaiya Mohite were armed with sickle and they appear to be the main accused who had assaulted Suraj.

6 The investigation is completed and charge-sheet is filed. The applicant has no criminal antecedents. It is not the case of the prosecution that the applicant is armed with any weapon or he had

assaulted Suraj. In view of this, the applicant deserves to be enlarged on bail.

7 It is made clear that the co-accused Sonya Khandagale, Monya Khandagale and Bhaiya Mohite shall not claim parity with the present applicant.

8 The observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be considered for discharge application or at the time of trial.

9 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(iii) The applicant shall not reside within the municipal limits of Pune for one year.

(iv) The applicant shall, within four weeks from the date of

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release, furnish all details regarding his place of residence, his contact numbers such as landline number, cellphone number etc. to the concerned court.

(v) The applicant shall not tamper with the evidence.

10 The application is disposed of accordingly.

Aruna
Sandeep
Talwalkar

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signed by
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[SMT. SADHANA S. JADHAV, J.]