

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

CRIMINAL BAIL APPLICATION NO. 1472 OF 2018

Jitendra Sunil Wagh. ..Applicant.

V/s.

The State of Maharashtra. ..Respondent.

Mr. Jayendra D. Khairnar, advocate for applicant.

Mr. Y.Y. Dabke, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 14, 2018.

P. C. :

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

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant here is arrested on 20/3/2018 in Crime No. 38 of 2018 registered at Nandgaon Police Station, for offence punishable under section 307, 326, 325, 504, 506 read with section 34 of the Indian Penal Code read with section 4, 25 of the Indian Arms Act.

3 It is the case of the prosecution that Raosaheb Sarode lodged

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a report at the police station alleging therein that on 19/3/2018, he was at bus stand and was accompanied by Charudatta Dokhe. Suddenly, Sunil Wagh, father of the present applicant had started abusing him saying that he was annoyed with the first informant on the ground that complainant was obstructing his business of supplying sound system(D.J.). That thereafter, Sunil Wagh was accompanied by his son i.e. the present applicant and others who had mounted assault upon him and his associates with iron rods.

4 The investigation is completed and charge-sheet is filed. The learned APP upon instructions submits that there are no criminal antecedents. It appears that it was a bleeding injury and there was hypo tension due to excessive bleeding. The doctor at Suvidha Hospital had described the injuries as simple injuries. However, the injury sustained by Satish Sarode seems to be grievous in nature.

5 Be that as it may, investigation is completed and charge-sheet is filed. The applicant has been in custody for 5 months and he deserves to be enlarged on bail. It is made clear that co-accused shall not claim parity with the present applicant.

6 The observations are prima facie in nature and restricted to

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

7 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. 50,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall not tamper with the evidence.
- (iv) The applicant shall not reside in village Jalgaon Khurd, Taluka Nandgaon, till conclusion of the trial.

8 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

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