

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

CRIMINAL BAIL APPLICATION NO.2318 OF 2018

Ashish Dattaram Pednekar

.. Applicant

Vs.

State of Maharashtra

.. Respondent

Mr.Niranjan S. Mundargi I/b. Mr.Veerdhawal Deshmukh,
Advocate for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 25, 2018.

P.C. :

This is an application for bail in connection with C.R.No.123 of 2018, registered with Kanjurmarg Police Station, Mumbai, for the offences punishable under Sections 307, 323, 324, 504 read with 34 of Indian Penal Code.

2 Applicant was arrested on 10th August, 2018. FIR was lodged on 10th August, 2018. The prosecution case is that on 9th August, 2018 at about 9:30 p.m., the complainant was talking to his friend Aslam Shaikh. He received call from his friend Jaya Mane, who informed him that his daughter had taken their pet

dog for a stroll and the dog had defecated in front of the residence of accused no.1-Datta Pednekar. The complainant reached the scene of the incident. Accused no.1 Datta Pednekar had picked up quarrel. Complainant along with Aslam Mohammed Shaikh reached the residence of Datta Pednekar and there was an altercation between Jaya Mane and Datta Pednekar. Complainant tried to intervene in the altercation. Accused Datta Pednekar held the complainant by his collar. Accused was not in a state of mind to understand the situation and kept on abusing the complainant and others. Datta Pednekar then entered into his house and picked up knife and threatened the complainant of dire consequences and assaulted him with knife on the right side of his ribs and on the left side of his abdomen. The friend of the complainant was present at the spot and he intervened in the quarrel. Even, he was assaulted by Datta Pednekar. It is the prosecution case that the applicant who is son of Datta Pednekar assaulted Rohan Pawar and the complainant with fist blows. Jaya Mane also intervened in the quarrel and was also assaulted by fist blows. Applicant was arrested and the investigation had proceeded. The other accused is also arrested, and, he is in custody. Applicant preferred an application for bail before the Sessions Court, which has been rejected on 29th August, 2018.

2 Learned counsel for the applicant submitted that the only role which is attributed to the applicant is that he has assaulted the complainant and another person by fist blows. The role of assault by weapon is attributed to another accused. Applicant is in custody from 10th August, 2018, and, no further custody is required.

3 Learned APP submitted that father of the applicant had assaulted the injured person by knife. Applicant had also participated in assaulting the witnesses. I have perused the FIR and the other documents annexed to this application. The quarrel has taken place between father of the applicant and the witnesses. The role of assaulting the witness by weapon is attributed to other accused. Applicant who happened to arrive at the scene of offence subsequently had allegedly assaulted witness by fist blows. He is in custody from the date of arrest. There are no reported antecedents against him. In the circumstances, case for bail is made out.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2318 of 2018, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.123 of 2018, registered with Kanjurmarg Police Station, Mumbai, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report Kanjurmarg Police Station, Mumbai, once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon;
- (iv) Applicant shall stay out of the jurisdiction of Kanjurmarg Police Station, Mumbai, and, shall only enter the said jurisdiction for the purpose of attending the police station;
- (v) Applicant shall furnish his residential address to the Investigating Officer, after his release on bail;

(vi) Applicant is permitted to furnish cash security in the sum of Rs.25,000/-, in lieu of surety for a period of four weeks;

(vii) Bail Application No.2318 of 2018, stands disposed of

(viii) Parties to act upon an authenticated copy of this order.

(PRAKASH D. NAIK, J.)