

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

BAIL APPLICATION NO. 2473 OF 2018

Kiran Sudam Atole ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Kuldeep Patil a/w. Mr. Prashant Hagare for the Applicant.

Mr. S.R. Agarkar, APP for the State.

Mr. Dattaram Bhosale PSI, Baramati Taluka Police Stn., present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 29, 2018.

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who is facing trial in Sessions Case No. 81 of 2018, pending on the file of the learned Addl. Sessions Judge, Baramati. The said case arises from Crime No.556 of 2017 registered with Baramati Taluka Police Station for offences under Section 307, 324, 504, 506 r/w. 34 of Indian Penal Code.

2. Heard Mr. Patil, the learned Counsel for the applicant and Shri Agarkar, the learned APP for the State. I have perused the records

and considered the submissions advanced by the learned Counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Vijay Mahadeo Khomane. The FIR prima facie reveals that on 10th November, 2017 at about 6.00 p.m. the applicant and other co-accused went to the house of the first informant, armed with weapons and that they assaulted the applicant and his father by means of iron rod, axe and other weapons. The FIR and other material on record prima facie indicates that the applicant herein had assaulted the father of the applicant by means of an iron rod. The medical certificate prima facie reveals that Mahadeo Khomane, the father of the first informant had sustained head injuries which are stated to be grievous in nature.

4. The records prima facie indicate the involvement of the applicant in the said crime. It is however to be noted that the applicant herein is a young boy of 19 years of age. He is in custody since 17th November, 2017. Investigation is concluded and the presence of the applicant is not required in custody. The case is of

the year 2018 and considering the large pendency of matters, and the trial is not likely to be concluded in near future.

5. Considering the above facts and circumstances, particularly the age of the applicant, in my considered view, this would be a fit case for grant of bail. Hence the Order:-

(i) The applicant who is facing trial in Sessions Case No. 81 of 2018 arising from Crime No. 556 of 2017 registered with Baramati Taluka Police Station, is ordered to be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned Addl. Sessions Judge, Baramati;

(ii) The applicant shall provide his permanent address and his contact details to the Investigating Officer and in the bail bond;

(iii) The applicant shall report to the Investigating Officer, or the Senior Police Officer of Baramati Taluka Police Station on the first Monday of every month until further orders.

(iv) The applicant shall not enter village Medad, which is within the jurisdiction of Baramati Taluka Police Station until further orders,

except for the purpose of attending the police station, or for hearing of the case;

(v) The applicant shall furnish his temporary address, wherein he will be residing during the period he is released on bail;

(vi) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)