

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

BAIL APPLICATION NO.2712 OF 2018

1. Gaurav Vasant Kunde	
2. Rishikesh Sanjay Purkar	...Applicants
Versus	
The State of Maharashtra	...Respondent

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Ms Manisha Jagtap I/b. M/s. J. Shekhar and Co. for the Applicants.
Mr. S.R. Agarkar, APP for the Respondent-State.
Mr. A.G. Pawar, PSI, Niphad Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th OCTOBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicants, who are arrested in C.R. No.90 of 2018 registered with Niphad Police Station, District-Nashik, for offences punishable under Sections 341, 394, 504 and 506 r/w. 34 of the Indian Penal Code, 1860.

2. Heard Ms Manisha Jagtap, the learned counsel for the Applicants and Mr. S.R. Agarkar, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The afoersaid crime was registered pursuant to the first information report lodged by one Shivaji Bandu Surase. He states that on 26.8.2018 at about 8.30 p.m. while he and his friends were proceeding towards Takali Vinchur by Vaitale Road, one white care intercepted their vehicle. The Applicant No.1 -Gaurav Kunde called someone and immediately thereafter the Applicant No.2- Rishikesh Purkar arrived at the spot and they assaulted the first informant by means of an iron rod. The first informant has also alleged that the Applicants had abused him and snatched his gold chain, one gold ring and cash of Rs.20,000/- to 21,000/- and one mobile of Samsung company.

4. The medical certificate prima facie reveals that the first informant had sustained fracture on 11th and 12th ribs. The statement of witness-Mangesh also prima facie reveals that the Applicant No.1 had assaulted the first informant and that they had snatched the gold chain, gold ring and cash of Rs.20,000/- to 21,000/- and mobile phone of the first informant. It is to be noted that the Applicants herein were arrested on 12.9.2018 and are presently in judicial custody. They

have been interrogated and their presence is not required for the purpose of investigation and the charge sheet would be filed within a period of 10 days.

5. Considering the above facts and circumstances, in my considered view, presence of the Applicants is no longer required for the purpose of investigation. The Applicants are permanent resident of Niphad and hence, there are no chances of their absconding or fleeing from justice. The Applicants have no criminal antecedents.

6. Under the circumstances and in view of discussion supra, the application is allowed on following terms and conditions:-

(i) The Applicants, who are arrested in C.R. No.90 of 2018 registered with Niphad Police Station, District-Nashik, shall be released on bail on furnishing bail bonds of Rs.50,000/- each with one or two solvent sureties in the like amount.

(ii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned investigation officer.

(iii) The Applicants shall not change their residential

addresses without prior intimation to the concerned investigation officer.

(iv) The Applicants shall not tamper with the evidence in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)