

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

BAIL APPLICATION NO. 2751 OF 2018

Sunil Bhila Wagh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Dilip Bodke a/w. Sharad Bhosale for the Applicant.

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

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 19, 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. 132 of 2018 pending on the file of the learned Addl. Sessions Judge, Malegaon. The said case arises from Crime No. 38 of 2018 registered at Nandgaon Police Station for offences under Section 307, 326, 325, 504, 506 r/w. 34 of Indian Penal Code.

2. Heard Mr. Bodke, 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 Raosaheb Vyankatrao Sarode. The FIR prima facie reveals that there was some altercation between the first informant and the applicant herein, after which the applicant phoned and called two other boys. It is alleged that the said two persons i.e. Divakar Wagh and Jitendra Wagh came to the spot armed with sword and iron rod, and that they assaulted the first informant and his brother Satish.

4. The medical certificate prima facie indicates that the first informant had sustained a CLW on the scalp which was caused due to blunt and hard object. The said injury is stated to be simple in nature. The Medical Certificate further reveals that Satish, the brother of the first informant had also sustained a CLW on parietal region which is also stated to be simple in nature. The record prima facie indicate that these injuries were inflicted by the co-accused and not by the present applicant. The co-Accused Jitendra, who had allegedly inflicted the said injury has been granted bail by this Court by Order dated 14th August, 2018 in Bail Application No. 1472 of 2018. Hence, the applicant is also entitled for bail on the ground of

parity.

5. The investigation is concluded and chargesheet has been filed. The presence of the applicant is not required for the purpose of investigation and interrogation. Furthermore, the applicant is a permanent resident of Jalgaon, District Nashik and there are no chances of his absconding or thwarting the course of justice. The applicant has no criminal antecedents.

6. Considering the above facts and circumstances, the application is allowed on the following terms and conditions :

(i) The applicant who is facing trial in Sessions Case No. 132 of 2018 pending on the file of the learned Addl. Sessions Judge, Malegaon, be released on bail on furnishing P.R. bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned Addl. Sessions Judge, Malegaon;

(ii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer and in the bail bond;

- (iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer;
- (iv) The applicant shall not interfere with the witnesses or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)