IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2604 OF 2017

Aatish Santosh Gavane alias Sonu … **Applicant**

V/s.

The State of Maharashtra … **Respondent**

Mr. S.K. Gimkar for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.
DATE : 15th FEBRUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 391 of 2015 dated 25.10.2015 registered with Antop Hill Police Station, Mumbai under Sections 307, 326, 120(B), 141, 143, 144, 146, 147, 148, 149 read with Section 34 of the Indian Penal Code and under Sections 37(1), 135 of Bombay Police Act read with Sections 4, 25 of the Indian Arms Act.

2 Heard the learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.

3 The first information report is lodged by Mr. Sandeep Yadav @ Chaudhary.

It is the prosecution case in brief that due to the earlier enmity, the Applicant along with other accused assaulted the first informant with chopper, sword, wooden rod and knife. When the friend of first informant namely

Kamelesh Chavan @ Gotya tried to rescue the informant from the clutches of the accused persons, he was also assaulted with the said weapons. During the course of investigation, the Applicant came to be arrested on 18.03.2017 and after completion of investigation, the police have submitted charge-sheet.

4 The first informant in his report has stated that Applicant along with other accused persons with the aforestated weapons committed assault on his right hand palm, shoulder, left hand shoulder and on head. Medical certificate issued in favour of the first informant speaks about three injuries that too on left elbow, right shoulder and right hand. The version narrated by the first informant in the report lacks corroboration as far as medical evidence is concerned with respect to the injuries on left hand and head. Prima facie it appears that the version narrated by the first informant is little exaggerated.

5 In view of the above, the Applicant can be released on bail.

Hence, the following order:

i) The applicant be released on bail in C.R. No. 391 of 2015 dated 25.10.2015 registered with Antop Hill Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 2.00 p.m.

iii) The applicant shall also attend all the dates before the Trial Court.

iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)