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

**BAIL APPLICATION NO.2890 OF 2018
WITH
APPP NO. 1458 OF 2018**

Akshay Deepak Bhure

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. P.V. Vare for Applicant.

Mr. N.B. Patil, APP for State.

Mr. Pratap Patil for Intervener.

Mr. D.M. Sehenavi, PSI, Revdanda Police Station is present.

CORAM : A.S.GADKARI, J.

DATE : 10th December 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 48 of 2018 registered with Revdanda Police Station, Taluka Alibag, District Raigad under Section 302, 307, 325, 324, 323, 506, 143, 147, 148, 149 of of Indian Penal Code and 37(1)(3) 135 of Maharashtra Police Act.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] The first information report is lodged by Umesh J. Patil. It is alleged that, prior to the date of incident there were disputes between his family and the family of Naresh Mali and Narayan Mali and due to the said disputes, there are

two groups in the said village. On 7th June 2018, when the informant was returning from his aunt's house at about 10.15 p.m, it is alleged that, the applicant along with nine other accused persons were standing near his house, they marched towards the informant and at that time the Naresh Mali assaulted with a wooden log on the face of informant. The informant therefore dropped his motorcycle at the said spot and rushed to his house. He narrated the said incident to his uncle Prakash D. Gaikar. Thereafter the informant his uncle, grand-father, mother and sister-in-law went to Naresh Mali to question him about the said assault. At that time Naresh Mali assaulted Prakash Gaikar on the left side of his face with a wooden log. When Naresh Mali was assaulting Prakash Gaikar, Dharma Gaikar tried to intervene and he was also assaulted by the accused persons with wooden log. After completion of investigation, the police have submitted chargesheet.

4] In the present case, there are two different incidents which took place on 7th June 2018 after 10.15 p.m. As far as assault on informant on his face by Naresh Mali is concerned, his T2 tooth is stated to be loosen as per the medical record. The role of assault on the first informant and Prakash Gaikar (deceased) and Dharma Gaikar (injured witness) is attributed to co-accused namely Deepak Bhure, Narayan Bhure, Dasharath Bhure, Sandip Bhure, Narendra Bhure, Santosh Bhure, Harishchandra Mali.

The role attributed to the present applicant is that, he was a member

of unlawful assembly on 7th June 2018 when Naresh Mali assaulted informant with wooden log on his face. In the statement of Dharma Gaikar recorded under Section 164 of cr. P.C. before learned Judicial Magistrate, Alibag he has not attributed any specific role or overt-act to the applicant, apart from his presence at scene of offence.

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

Hence the following Order:-

i] Applicant be released on bail in CR No. 48 of 2018 registered with Revdanda Police Station, Taluka Alibag, on his furnishing PR bond of Rs.20,000/- with one or two solvent local sureties in the like amount.

ii] After his release from jail, the Applicant shall attend the Revdanda Police Station on every 1st Monday of the month between 10.00 a.m to 1.00 p.m and to join the process of investigation till conclusion of trial.

iii] Applicant shall also attend all the dates before the Trial Court unless precluded for medical reasons.

6] Application is allowed in the aforesaid terms.

7] In view of Order passed in Bail Application No.2890 of 2018, Criminal Application (APPP) No.1458 of 2018 does not survive and the same is accordingly disposed off.

(A.S.GADKARI, J.)