

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

BAIL APPLICATION No. 2899 of 2018.

Diwakar Sunil Wagh	..Applicant.
Vs	
State of Maharashtra	..Respondent.

Mr. Dilip Bodke, Advocate for the Applicant.

Mr. S.S.Pednekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATE : 1st November, 2018

P.C:-

1) This is an application under Section 439 of Criminal Procedure Code, filed by the aforesaid applicant, who is facing trial in Sessions Case No. 132 of 2018 pending on the file of the learned Additional Sessions Judge, at Malegaon. The said case arises from Crime No. 38 of 2018 registered at Nandgaon Police Station, Nashik for offences punishable under Sections 307, 326, 325, 504, 506 read with section 34 of Indian Penal Code.

2) Heard Mr. Bodke, learned counsel for the applicant, Mr. Pednekar, learned APP for the State. 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 co-accused Sunil Wagh after which said Sunil Wagh phoned and called two other boys. It is alleged that the applicant herein 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 co-accused Jitendra, who had allegedly inflicted the said injury, has been granted bail by this Court by Order dated 14th August, 2018 in BA/1472/2018. Hence, the applicant is also entitled for bail on the ground of parity.

5) The investigation is concluded and charge-sheet 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 (Kh), Taluka Nandgaon, 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 learned Additional Sessions Judge, Malegaon, be released on bail on furnishing P.R. bond of Rs. 25,000/- with one or two solvent sureties in the like amount, to the satisfaction of the learned Additional Sessions Judge, Malegaon.

(ii) The applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the Investigation 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 complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)