

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

CRIMINAL BAIL APPLICATION NO. 464 OF 2019

Ajay Mahadev Ghone	...Applicant
Vs.	
State of Maharashtra	...Respondent

- Mr. Priyal Sarda I/b Mr. Sachin T. Zalte, Advocate for the Applicant.
- Ms. S.S. Kaushik, APP for the State.

CORAM : SARANG V. KOTWAL, J.
DATE : 24th JULY, 2019

P.C. :

1. The applicant is seeking bail in connection with CR No. 209/18 registered at Daund Police Station, Pune under Sections 143, 147, 148, 307, 323, 504, 506 read with 149 of the IPC and under Section 4 read with 25 of Indian Arms Act. The FIR is lodged on 1st April 2018 at about 2.20 p.m. in respect of the incident dated 31st March 2018.

2. The FIR is lodged by one Tushar Jathar. He has stated in his FIR that the first informant and one Amit Jathar were sitting with their friends in front of Dr. Bidve's Hospital. At that time, applicant came there and slapped Amit. He also abused him because the

applicant was under the impression that Amit was holding some grudge against him. The informant, his friend and brother were inquiring with Amit, at that time at around 10.15 p.m. eight to ten boys came there. The present applicant was one of them. He was carrying a sword. Others were carrying a swords, wooden sticks, iron pipes, etc. All of them started abusing and assaulting the informant's group. It is mentioned in the FIR that the applicant assaulted the first informant Tushar on his forehead. The applicant also assaulted Shshikant Jathar on his right leg and left hand. Others from the informant's group were assaulted by the applicant's associates with their respective weapons. There were four injured victims. All of them were taken to hospital and the FIR was lodged on such allegations.

3. The applicant was arrested on 11th April 2018 and since then he is in custody. The investigation is over and the chargesheet is filed. The chargesheet contains medical papers in respect of injuries suffered by four witnesses including the first informant. Injured Shashikant Jathar had suffered compound fracture of his leg and fracture on the right hand. Injured Amit Jathar had

suffered one compound fracture. The informant Tushar had one sharp injury of dimension 10x1cm bone deep on left parietal region. His injury was described as a simple injury. Akshay Jathar had suffered one blunt injury, which was also described as a simple injury.

4. The chargesheet also contains statement of eye witnesses. There are three injured eye witnesses besides the first informant namely Shashikant Jathar, Amit Jathar and Akshay Jathar. There are three to four other witnesses namely Nikhil Swami, Nitin Bhandalkar, Umesh Randive and Amit Kadam. All of them have consistently narrated the same story as is narrated in the FIR. The present applicant has assaulted the first informant on his forehead and Shashikant on his leg and hand. These allegations are supported by the injury certificates. Thus, at this stage the incident is sufficiently corroborated by the medical evidence as well as statements of the eye witnesses.

5. Heard, Mr. Sarda learned counsel for the applicant and Ms. Kaushik, learned APP for the State.

6. Learned counsel for the applicant submits that the applicant

is arrested on 11th April 2018. His further custody is not necessary. He submitted that because of the previous enmity applicant is falsely implicated.

7. Learned APP submitted that the offence is serious and considering the manner in which the assault had taken place, applicant does not deserve any relief of bail.

8. I have considered these submissions. The applicant is in custody since 11th April 2018. The chargesheet is already filed. The investigation is over. The applicant is attributed three injuries. One is caused to the first informant on his forehead. It is described as simple injury. The applicant has caused fracture on hand and leg of Shashikant. The injuries suffered by the prosecution witnesses are supported by the medical evidence. However, the applicant has not caused any serious or life threatening injury on any vital part of any of the injured witnesses. The applicant and his assistants were armed with weapons and they had ample opportunity to cause life threatening injuries, if they had intention to commit murder or any of the eye witnesses. Thus, though the offence is made out against the present applicant, whether section 307 of the

IPC can be attracted against the accused will have to be decided during trial. At this stage, considering the fact that the applicant is in custody since 11th April 2018 and the trial is likely to take long time to reach conclusion, I am inclined to grant bail to the applicant with certain conditions. Hence, the order:-

ORDER

1. The Applicant is directed to be released on bail in connection with C.R.No. 209/18 registered at Daund Police Station, Pune on his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. The applicant shall attend the concerned police station on every Sunday from 3.00 p.m. to 4.00 p.m. till conclusion of trial.
3. The applicant shall not threaten or pressurize any of the prosecution witness.
4. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)