

Anand

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

BAIL APPLICATION NO. 659 OF 2019

Santosh Laxman Bagul .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Sushma Mishra, Advocate, for the Applicant
Mrs. P. P. Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. I-96 of 2018 registered with the Central Line Police Station, for the alleged offences punishable under Sections 307, 397, 363, 323, 324, 326, 504, 506 of the Indian Penal Code and under Section 37(1), 15 of the Maharashtra Police Act.

3. Perused the papers. According to the prosecution, the

incident took place on 09.04.2018 at about 12.00 noon. It is alleged by the Complainant – Raj Chavan, that when he was on his Scooter, Krishna Sonawane was following him, that when he asked Krishna why he was following him, Krishna started abusing him and thereafter, made a phone call and called the other accused persons. According to the Complainant, the said co-accused persons came in a Rickshaw, made him sit in the said Rickshaw and took him to Smashan bhoomi, where he was assaulted. The Complainant has named Ajay Sonawane, Vijay Sonawane, Santosh Sonawane, mother of Ajay Sonawane, one Rasabai and 3-4 unknown persons, as his assailants.

4. According to the learned counsel for the Applicant, the Applicant has not been named in the FIR and that subsequently, in the supplementary statement recorded after 10 days, the Applicant has been named. A perusal of the supplementary statement of the Complainant shows that although the Applicant has been named, no overt act has been attributed to him.

5. According to the learned APP, there is no accused by

the name Santosh Sonawane and that the person mentioned in the FIR as Santosh Sonawane is infact Santosh Bagul (Applicant). Prima facie, there is nothing in the charge-sheet to show that Santosh Sonawane and Santosh Bagul are one and the same person.

6. Be that as it may, it is the prosecution case, that the Applicant assaulted the Complainant with a wooden stick on his head, however, the Injury Certificate does not show any corresponding injury on the Complainant's head. The Applicant has no antecedents.

7. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms and conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 20,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer

of the concerned Police Station on the first Monday of every month between 10:00 a. m. and 12:00 noon for a period of 12 months from the date of his release;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate in the conduct of the trial.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)