

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

BAIL APPLICATION NO. 857 OF 2019

Rushabh Amarnath Pardeshi	...	Applicant
Versus		
The Senior Inspector of Police		
Khadki Police Station, Pune, & Anr.	...	Respondents

Mr. Sandeep Bali for the Applicant.
Ms. A.A. Takalkar, A.P.P. for the Respondent – State.
Mr. Nitin P. Bhoyar, A.P.I. Khadki Police Station, Pune, present.

CORAM : P.N. DESHMUKH, J.

DATED : 10th APRIL, 2019.

P.C. :

1 Heard learned Counsel for applicant and learned A.P.P. Investigating Officer present. Perused the charge-sheet.

2 This application is filed by one of the co-accused in crime No.384 of 2018 registered with Khadki Police Station, Pune, for the offences punishable under Sections 323, 307, 143, 144, 147, 148 of I.P.C. and Section 4(25) of the Arms Act r/w 37(1) and 135 of the Bombay Police Act. Learned Counsel for applicant submitted that though his name in the F.I.R. as well as in the statement of eye witness and in the statement of injured, role attributed to applicant is of assault of fist and kick blows and

to extend threats on the point of sword. Submissions advanced are found substantiated from the contents of report lodged by sister of injured and as well as from the statement of eye witness and of the injured himself. Learned Counsel for the applicant, apart from above involvement has relied upon the order of this Court passed in Bail Application No.17 of 2019 dated 07.01.2019, granting bail to co-accused who was placed in similar situation, case was attributed of assault by fist blows.

3 Perusal of injury report filed by prosecution appears to be issued by AIMS Hospital and Research Center, Aundh, Pune, on 03.12.2018. There is no injury report on record of dated 08.11.2018. Learned A.P.P., on instructions, makes a statement that victim did not sustain any injuries, as he was not assaulted by sword but was only threatened on the point of sword and as such no injury report of 08.11.2018 is available. It is material to note that in the certificate on record victim is certified to have sustained one blunt trauma only. Rest of the injury certificate on record are in respect of two others who according to prosecution got injured when they intervened in the quarrel. Injury sustained by them are by way of abrasion as such simple injury, who even according to prosecution, are not assaulted by applicant.

4 In that view of the matter and since co-accused is released on bail, application is allowed as per order below :

ORDER

(i) Applicant shall be released on bail in C.R. No.384 of 2018 registered with Khadki Police Station, Pune, for the offences punishable under Sections 323, 307, 143, 144, 147, 148 of I.P.C. and Section 4(25) of the Arms Act r/w 37(1) and 135 of the Bombay Police Act, on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

(ii) While on bail, applicant shall attend Khadki Police Station on first day of such month quarterly till the trial is concluded.

(P.N. DESHMUKH, J.)