

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Bail Application NO. 1455 OF 2019

Suraj @ Saroj Laxman Dhotre

...Applicant

Versus

The State Of Maharashtra

...Respondent

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Mr Sachin H. Deokar, Advocate for the Applicant.

Mr. Prashant Jadhav, APP, for the Respondent-State.

Mr. Shrikant Patil, Sangvi Police Station, PCMC, Pune is present in Court.

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CORAM : SARANG V. KOTWAL, J.

DATE : 30th SEPTEMBER, 2019

PC.

1. The applicant is seeking his release on bail in connection with C.R. No.41/2019 registered at Sangvi Police Station, Pimpri-Chinchwad, Pune under Sections 326, 143, 147, 148, 427 read with 149 of I.P.C. and Section 37(1) read with 135 of the Maharashtra Police Act. Subsequently Section 307 of I.P.C. is applied.

2. The applicant is arrested on 9.1.2019 and since then he is in custody. The investigation is over and the charge-sheet is already filed. The FIR is lodged by one Vishal Jadhav, who is one of the three injured eye witnesses in this case. He has stated that on

8.1.2019 at about 9:30 p.m. he was standing in front of his house with his friend Rupesh Sonkade and younger brother Rohit Jadhav. At that time, the applicant and eight other accused came there. The applicant questioned them as to who had broken the windshield of his car. While the informant and others were trying to tell him to calm down, the applicant kicked the informant. The others assaulted the informant, his brother and friend with iron rod, wooden sticks, stones etc. All three injured were then removed to hospital. The informant's brother was admitted to Desai Hospital, Sadguru Nagar, Bhosari and Rupesh Sonkade was admitted to Aundh Civil Hospital, Pune. On this basis, the FIR is lodged.

3. Heard Shri Sachin Deokar, learned Counsel for the applicant and Shri Prashant Jadhav, learned APP for the State.

4. Shri Deokar submitted that the injuries suffered by the injured are not serious and are not life threatening. He submitted that there are general allegations against all the accused of causing assault. Their intention was not to commit murder otherwise they would have caused more damage to the injured.

5. Learned A.P.P. opposed this application and relied on the medical papers annexed to the affidavit-in-reply filed on behalf of the State.

6. I have considered all these submissions and in particular I have perused the injury certificates of the injured and the statements of eye witnesses. Rupesh Sonkade had suffered contusion on occipital region which was described as a grievous injury. The informant Vishal Jadhav had suffered one CLW on occipital region and it is not described as grievous injury. Rohit Jadhav had suffered six injuries. First was a CLW on orbital region, second was on occipital region, third was below orbital region, fourth was orbital trauma, fifth was multiple facial abrasion and sixth was 'left eye vision diminished'. Thus, Rohit Jadhav and Rupesh Sonkade had suffered grievous injuries.

7. The incident had occurred on 8.1.2019. Thereafter the offence has not escalated to a serious degree. The statement of injured eye witness Rohit Jadhav mentions that the applicant had assaulted Rohit on his left eye with an iron rod. He has stated that the accused Sachin Dhotre assaulted Rupesh with heavy bamboo

on Rupesh's head. General statement is made in respect of other accused persons. There are other eye witnesses like Shankar Shinde and Sachin Jadhav, who have corroborated the statement of Rohit Jadhav and other eye witnesses.

8. Though there are allegations that the applicant and Sachin Dhotre had given severe blow, the offence has not escalated to a higher degree and both the injured had not suffered life threatening injuries. Though there are allegations that there was diminished vision of left eye as far as Rohit Jadhav is concerned, the medical certificate annexed to the application is not conclusive.

9. Shri Deokar has stated that after the incident, Rohit is externed from that region because of his antecedents. The Investigating Officer, who is present in the Court, does not have any other medical certificate besides what is annexed to the affidavit-in-reply. Therefore, at this stage, there is nothing to infer or to conclude even at this stage that the injured Rohit and Rupesh had suffered any life threatening injuries. In this view of the matter, the applicant can be granted bail during pendency of the

trial. However, to keep check on his activities, he is directed to attend the concerned police station. Hence, the following order :

ORDER

- (i) The applicant is directed to be released on bail in connection with C.R. No.41/2019 registered at Sangvi Police Station, Pimpri-Chinchwad, Pune on his furnishing a P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station once a month for a period of one year from today.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)