

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

CRIMINAL BAIL APPLICATION NO.1730 OF 2019

Tillu alias Krushna Dashrath Charoskar Applicant

versus

The State of Maharashtra Respondent

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- Mr.Amey Deshpande, Advocate for Applicant.
- Mr.Prashant Jadhav, APP for the State/Respondent.
- PSI Mr.A.P. Kavade, Ozar Police Station, Nashik, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 15th JULY, 2019

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.150/18 registered with Ozar Police Station, Nashik, under sections 326, 504, 506 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Kunal Dilip Jadhav on 14/12/2018. He has stated in his FIR that on 13/12/2018 they were dancing in a religious procession. At about 05.30 p.m.

while dancing, one Pravin Dalvi pushed him. The informant told him to dance properly. Pravin abused the first informant, removed a sharp weapon from his pant and assaulted the first informant on his stomach at two places and on his right hand. The first informant's friend Vaibhav Raju Nimbalkar tried to intervene, but he was also assaulted by Pravin. It is his case that the present Applicant also pushed the informant and his friend Vaibhav and slapped them. Based on these allegations, the FIR is lodged.

3. The Applicant was arrested on 15/12/2018 and since then he is in custody. The investigation is over and the charge-sheet is filed. The charge-sheet contains the medical certificate in respect of Kunal Dilip Jadhav i.e. the first informant and Vaibhav Raju Nimbalkar. The first informant had suffered two incised injuries on forearm and abdomen. The injuries on abdomen are described as simple injuries. The charge-sheet also contains the statement of Vaibhav. It is exactly similar to that of the statement of Kunal.

4. Heard learned Counsel Mr.Amey Deshpande for the Applicant and learned APP Mr.Prashant Jadhav for the State.
5. Considering the narration given by the first informant and Vaibhav, it is more than obvious that the incident had occurred on the spur of moment. Main offender suddenly pulled out a weapon and gave blows on the injured. The present Applicant has admittedly only slapped both the injured. Therefore by no stretch of imagination it can be said that the present Applicant had common intention with the main offender who had used the weapon. In this view of the matter, it is not necessary to keep the present Applicant in custody during pendency of the trial. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R.No.150/18 registered with Ozar Police Station, Nashik, on his

furnishing PR bond in the sum of Rs.25,000/-
(Rupees Twenty Five Thousand Only) with one
or two sureties in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)