

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

CRIMINAL BAIL APPLICATION NO. 2558 OF 2019

Akash Dattatray Kothawale

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Satyavrat Joshi i/b Mr. Sagar S. Tambe, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 20th November, 2019

PC :

1. The applicant is seeking Bail in Connection with C.R. No.109 of 2019 registered with Hadapsar Police Station, District Pune. Initially offence was registered under Section 326 r/w 34 Indian Penal Code (for Short "IPC") subsequently Section 307 of IPC and Section 37(1) (3) r/w 135 of Maharashtra Police Act, 1951 was added.

2. The alleged incident had occurred on 24th January, 2019. The complainant and his brother were riding on motor cycle. The applicant and two other accused confronted them. The accused tried to assault the complainant. As a result of that they lost balance and fell down. The brother of the complainant started running from the place of incident. He was assaulted by the applicant and the other

accused by giving blows on his legs. The third person who was juvenile was attributed the role of having assaulted on neck. The injured was treated in hospital and was subsequently discharged.

3. Learned counsel for the applicant submits that, there are no criminal antecedent against the applicant. The applicant was arrested on 29th January, 2019. There is contradiction in the statement of the complainant and the other witnesses.

4. Learned APP submitted that the offence is of serious nature. The injured has sustained several injuries by sharp object. It is not disputed by learned APP on instructions that there are no antecedent against the applicant. The offence was initially registered under Section 326 which was converted into Section 307 of IPC. The injured has sustained two grievous injuries and the other injuries are simple in nature. He was discharged from the hospital. The applicant is in custody from the date of arrest. On certain terms conditions applicant can be granted on bail. Hence, order as follows:

ORDER

- i) Criminal Bail Application No. 2558 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No.109 of 2019 registered with Hadapsar Police Station, District Pune. on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;

- iii) The applicant shall stay out of the jurisdiction of the Hadapsar Police Station till conclusion of the Trial.
- iv) The applicant shall not tamper with the evidence.
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)