

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

CRIMINAL BAIL APPLICATION NO. 2631 OF 2018

Pawan @ Raj Babu Jadhav	... Applicant
Vs.	
The State of Maharashtra	... Respondent

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Mr. Rajiv Patil, Sr. Advocate I/by Ms. Priyanka Thakur for the applicant.
Mr. Prashant Jadhav, APP for the Respondent-State.
Mr. M.B. Kasture, PSI, Narpoli Police Station is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 7th FEBRUARY, 2019.

P.C.

1. This is an application for bail in connection with CR No. I-264 of 2016 registered with Narpoli Police Station for the offences punishable under Sections 307, 143, 145, 147, 149 of the Indian Penal Code, Sections 4 and 25 of Arms Act read with Sections 37(1), 135 of Maharashtra Police Act. First Information Report was lodged on 29th May, 2016.
2. The case of the prosecution is that the informant is the friend of victim Jitin Subhash Ghondge. On 29th October, 2016, at about 12.30 in the afternoon, informant met his friend Jitin Subhash Ghondge and thereafter at about 2 p.m. they were sitting and talking in front of a shop owned by Vijay bhai situated in the

Meghdhara market, Bhiwandi. Around 5.30 p.m., three persons came on the scooter, they saw them and left. At that time Jitin apprehended danger to his life and he immediately called his uncle Chandrakant Sonawane and asked him to reach the place. Thereafter, applicant and others came at the spot and started assaulting victim Jitin. Applicant was allegedly armed with Chopper, accused Anil Jadhav had sickle and the third persons was armed with beer bottle. All of them assaulted injured Jitin Ghondge. Applicant was arrested on 19th July, 2016. Investigation is completed and chargesheet has been filed.

3. The medical certificate refers to the injuries in the nature of CLW which are grievous and simple in nature. Learned counsel for the applicant submits that considering the fact that all accused had assaulted the injured, the injuries sustained by the victim would have been more severe than what is reflected in the medical certificate. Anil Jadhav was granted bail in accordance with Section 167(2) of Code of Criminal Procedure. Learned APP submits that three other cases are registered against the applicant. Learned counsel for the applicant further on instructions submits that in the case arising out of CR No. I-20 of 2017 wherein the provisions of MCOC Act are invoked at the time of incident. The

applicant was in custody in another case. The other offences were registered under Sections 143, 147, 148, 149, 323, 324 and 504 of Indian Penal Code and applicant is on bail. The applicant is in custody from 19th July, 2016.

4. Considering the aforesaid circumstances and the fact that the applicant is in custody for about two and half years and trial has not yet commenced. I pass the following order.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with CR No. I-264 of 2016 registered with Narpoli Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. Applicant shall stay out of the jurisdiction of Narpoli Police Station;
- iv. Applicant shall furnish details of place of residence to the Investigating Officer after his release on bail and shall report to the Shantinagar Police Station once in a month on first Saturday of every month between 11 a.m. to 1 p.m. till further order;
- v. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)