

Deepak Namdev Masugade .. Applicant
versus
The State of Maharashtra .. Respondent
...

Mr. P.H.Gaikwad, APP for the State.

CORAM: SMT. BHARATI DANGRE, J.
DATED : 10TH DECEMBER, 2020

P.C:-

The complainant is one Pandurang Fadtare, aged 60 years who has stated that on 16/04/2018, he had been to his sister's house and borrowed an amount of Rs.10,000/- and

while returning home at around 9.30 p.m., when he was in Mauje Ransingwadi and nearing Shiwar Khadak-khira, the applicant alongwith Namdev and one unknown person crossed his path on their motorcycle. It is alleged that the applicant snatched from him a pump used for filling air in the bicycle and assaulted in his head, back, hand and left eye and caused injuries. It is also alleged that he was assaulted by the unknown person whose description has been given and Namdev, the co-accused picked up Rs.10,000/- from his pocket and ran away from the spot. This resulted into the C.R. being registered invoking Section 394, 504, 506 read with 34 of Indian Penal Code.

2. On completion of the investigation, chargesheet has been filed which include the injury certificate issued by the Medical Officer, Pusegaon on examining complainant on 18/05/2018. The injury certificate referred to three simple injuries. The description of which is as below :

- (i) CLW 4 x 1cm in size on right parietal scalp area muscle deep bleeding sutured.
- (ii) Blunt injury to left upper limb and left little finger, pain, tenderness.
- (iii) Blunt truma to left eye.

The injuries are opined to be caused by hard object.

3. Perused the material contained in the chargesheet and also perused the order passed by Additional Sessions Judge, Waduj, rejecting the application. The accusation is hitting the complainant with an air pump and co-accused is attributed the act of removing the money from his pocket. The medical certificate, however, reveal that the injuries sustained by the complainant are simple injuries. The Additional Sessions Judge was, however, impressed by the criminal antecedents and desisted from setting the applicant on liberty as far as antecedents are concerned. The only ground for refusal of the relief in his favour is the antecedents and the apprehension is that he is likely to misuse his liberty. Prima facie view of the matter, do not justify the applicant's incarceration. He is entitled for his release by subjecting to stringent conditions. Hence, the following order :

ORDER

(a) Application is allowed.

(b) The applicant – Deepak Namdev Masugade, shall be released on bail, in C.R.No.63 of 2018 registered with Pusegaon Police Station, on furnishing P.R. bond to the extent of Rs.20,000/- with one or two sureties of the like amount.

(c) The applicant shall mark his attendance in the Court of Additional Sessions Judge, Waduj once in every two months.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court and should not tamper with the prosecution evidence.

SMT. BHARATI DANGRE, J