

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

CRIMINAL BAIL APPLICATION NO. 1418 OF 2019

Niranjan @ Bibatya Nandkishor Yadav ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Satyavrat Joshi i/b Mr. Nitesh Jaywant Mohite, Advocate for the Applicant.

Mrs. A. A. Takalkar, APP for the state-respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 6th January, 2020

PC :

1. The applicant is arrested on 22nd March 2018 in connection with C.R. No. 60 of 2018 registered with Haveli Police Station, Dist. Pune for offences punishable under Sections 307, 143, 147, 148, 149, 427, 504, 506 of Indian Penal Code and Sections 4 & 25 of the Indian Arms Act.

2. The FIR was lodged by Ashish Sonwane on 13th March, 2018. It is alleged that on 12th March, 2018 the complainant was assaulted by the accused including applicant. It was alleged that there was group of 10 to 12 persons armed with weapons. They had caused damage to the shops and vehicles. The applicant had allegedly assaulted the complainant along with 18 to 20 persons on his head and hand by sickle. The complainant also learnt that Kalidas

Choudhari was also assaulted by the said assailants. The investigation was completed and charge sheet was filed.

3. The injury certificates of the complainant refers to contusion on head, CLW over occipital region, CLW over frontal region, CLW over left dorsum of hand etc. The injury certificate of Kalidas Choudhari refers to injuries in the nature of six stitches on his forehead.

4. The statement of Kalidas Choudhari refers to assault by unknown persons. There is no Test Identification Parade to identify the assailants who had assaulted him. The said injured however stated that he had learnt that the complainant was assaulted by the applicant and other persons. During the Course of investigation sword is recovered from the applicant. According to the complainant, the applicant had assaulted the complainant by sickle.

5. Learned APP submitted that there are two more cases registered against the applicant vide C.R. No. 279 of 2017 for offences punishable under Sections 326, 323 r/w Section 34 of IPC and and C.R. No. 3025 of 2014 for offences punishable under Sections 379 of IPC and Section 3 & 4 (25) of the Arms Act. It is submitted that the applicant and several other persons were armed with weapons and they have assaulted the injured person.

6. As stated above Kalidas Choudhari was assaulted by unknown persons. The co-accused were arrested. The applicant is in custody for a period of one and half year. Charge sheet is filed. In these circumstances, on certain terms and conditions applicant can be granted bail.

7. Hence, I pass the following order.

ORDER

- i) Bail Application No. 1418 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 60 of 2018 registered with Haveli Police Station, Dist. Pune on furnishing PR. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall stay out of Pune District till conclusion of the Trial.
- iv) The applicant shall furnish the details about the place of his residence to the Investigating Officer.
- v) The applicant shall attend the trial Court on the date of hearing of the case regularly unless exempted by the Court.
- vi) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)