

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

CRIMINAL BAIL APPLICATION NO.2599 OF 2019

Mohan Mahadev Kangane

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Satyavrat Joshi a/w. Nitesh Mohite i/b. Sagar S. Tambe, for the Applicant.

Mr. S. H. Yadav, APP for the Respondent-State.

Mr. Abhang M. S., PSI, Dattawadi Police Station, Pune, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th February, 2020

P.C.:

1. This is an application for bail in connection with C.R.No.99 of 2019 registered with Dattawadi Police Station, District- Pune for offences punishable under Sections 143, 147, 148, 149, 341, 307, 326 and 504 of Indian Penal Code ("IPC" for short).

2. It is contended that, the applicant was arrested in connection with the aforesaid crime. The investigating officer has filed the charge sheet. However, the matter is not committed to the Court of Sessions. According to prosecution, informant along with his friends were gathered to celebrate the birthday of Aakash Gole. All of them

came out of the place where they assembled at about 3.45 a.m. for bringing some food. Suddenly Aditya Sathe came across on motorcycle. He caught hold of collar of the Aakash Gole. Adinath Sathe made mobile call and told that Shekhar Sherkhane, Papya Gole and Suresh Kolge are roaming with some boys. Therefore, present applicant, Shekhar Sherkhane, Chanakya came there. Adinath started assaulting Aakash with fist blows. Applicant, Chankya and two others also assaulted Aakash with fist. Adinath Sathe assaulted Aakash with wooden stick on nose. At that time Shekhar Sherkhane had shown pistol to Aakash. The applicant tried to give blow of sickle on the head of informant. However, he missed the said blow. So, informant and his friend ran away. The assailants caught Aakash Gole and Adinath Sathe sat on chest of Aakash and tried to press his neck. Thereafter, all the assailants ran away. Medical Certificate shows that Aakash sustained five injuries. Out of which injury to nose found to be grievous and other injuries were simple in nature. The applicant preferred an application for bail before the Sessions Court which was rejected on 18th July 2019.

3. Learned counsel for the applicant submitted that, except the applicant all other accused were granted bail. No specific role has been attributed to the applicant. No injuries were caused to the

injured by the applicant. The applicant was involved in one case in past which has resulted in acquittal. He relied upon the copy of the Judgment of acquittal. The applicant is in custody from 02nd February 2019.

4. Learned APP submitted that the applicant is named in the FIR. There are eye witness to the incident. Presence of the applicant and participation in the crime is established. The applicant tried to assault the injured by sickle. However, he averted the attack. All the accused had assaulted the injured. The applicant was member of unlawful assembly.

5. Perused the First Information Report and other documents. The applicant has been named in the FIR and was allegedly armed with weapon. From the contents of FIR it is apparent that applicant tried to assault the complainant and the other witnesses but the blow was avoided by them. All the other accused were attributed role of participation are granted bail. The applicant is acquitted in the case which was registered against him. Presently, there are no antecedents against him. Considering the nature of the evidence, case for grant of bail is made out.

ORDER

- (i) Bail Application No.2599 of 2019 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.99 of 2019 registered with Dattawadi 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 report concerned police station once in a month on every first Saturday between 11:00 a.m. to 01.00 p.m. till further order;
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)