

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

CRIMINAL BAIL APPLICATION NO. 2839 OF 2019

Rahul Gautam Adhav

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Priyal G. Sarda, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the state-respondent.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 6th January, 2020

PC :

1. The applicant is arrested in C.R. No. 44 of 2019 registered with Vishrantwadi Police Station, Pune for offences punishable under Sections 307, 326, 324 r/w 34 of Indian Penal Code.

2. The prosecution case is that Sonu Sunul Waghamare, has filed complaint alleging that, on 6th February, 2019 the accused persons were in drunken state near vegetable stall of mother of Vinayak Suryavanshi. Vinayak Suryavanshi assaulted them. Having grudge in mind the accused assaulted friend of Vinayak Suryavanshi viz. Ajay Hulwan and also damaged his Jupiter vehicle. Hence, the complainant, Vinayak Suryavanshi Ajay Hulwan and his associates went to file complaint. While returning back, on 7th February, 2019 at about 00.30 in night at Bridge near Dhaneshwar School, that time the accused persons were seen armed with weapons in their hand.

Due to fear Vinayak tried to flee. However, Rohan Ovhal and Rahul Adhav assaulted him by sickle and sword. Rohit Ovhal and Divyakant Adhav assaulted by iron rod. Complainant and others tried to save Vinayak. Shubham Kengale assaulted him by pipe on his head and legs. Thereafter said persons fled away. Thereafter the injured was admitted in hospital. On these set of facts the complainant has lodged FIR against the accused persons on 7th February, 2019.

3. The applicant was arrested on 12th March, 2019. On completing investigation, charge-sheet is filed. The case of the prosecution is that Vinayak Suryavanshi and Shubham Kengale were assaulted by the accused. The injury certificate of Vinayak shows that he had sustained several injuries most of which were on knee. The injuries were of simple in nature. Undisputedly, there are no criminal antecedents against the applicant. The injured Vinayak was discharged from hospital on 9th February, 2019.

4. Learned APP submitted that the offence is of serious nature. The accused were armed with weapons. There is recovery of blood stain cloths from the applicant. The applicant has been named in the FIR and the statement of witnesses.

5. The applicant is in custody from 12th March, 2019. The charge-sheet is filed. Injured was discharged in two days from hospital. The Injuries were simple. Initially FIR was registered under Section 326

of IPC. There are no criminal antecedents against applicant. Considering the factual aspects as stated herein above, on certain terms and conditions applicant can be granted bail.

6. Hence, I pass the following order.

ORDER

- i) Bail Application No.2839 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 44 of 2019 registered with Vishrantwadi Police Station, 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 Jurisdiction of Vishrantwadi Police Station, Pune 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.)