

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

CRIMINAL BAIL APPLICATION NO. 3331 OF 2019

Rohit Alias Chiknya Rupesh Khot ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Priyal G. Sarda, Advocate for the Applicant.
Mr. M. G. Patil, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 17th February, 2020

PC :

1. The applicant is seeking bail in C.R. No. 433 of 2019 registered with Chikhali Police Station, Dist. Pune. Initially the First Information Report (for short 'FIR') was registered under Sections 326, 141, 143, 144, 148, 149, 504 of Indian Penal Code. Subsequently Section 307 was invoked. The FIR was lodged on 16th June, 2019. The incident had occurred on 8th June, 2019.

2. The prosecution case in short is that in January, 2019 Shubham Kalbhor and his associates had assaulted Santosh Niwangune and Sujit Gaikwad and at that time he had saved Sujit Gaikwad. Shubham Kalbhor had grudge on account of the said incident. On 8th June, 2019, at about 9.30 p.m.

complainant and his friends Mahadev Bhosle, Manoj Patil, Pravin Bhosle, Sarode, Vijay Bansode and others were standing near Vinayak Sweet home. The accused came to the place. The applicant instigated them that they should not spare Bhavdya. Bablya assaulted complainant by sickle, Danny Pathan assaulted complainant on hand by sickle and Dada Gavali assaulted on hand by sickle. Others were assaulted by stone.

3. The applicant was arrested on 11st July, 2019. On completing investigation, charge-sheet has been filed. The applicant preferred application for bail before the Sessions Court which has been rejected.

4. Learned counsel for the applicant submitted that only role assigned to the applicant is that he was present at the scene of offence. Although the incident had occurred on 8th June, 2019 the FIR was lodged on 16th June, 2019. The victim had sustained injuries by the applicant was not of serious nature. There is no recovery of weapon from applicant.

5. Learned APP submitted that the co-accused had assaulted the complainant on instigation of the applicant. The incident had arisen on account of previous quarrel. The injured had sustained grievous injuries by sharp weapon.

6. From the FIR it appears that injured was admitted to hospital for treatment and the police intended to record his statement. He had stated that he would lodge his complaint latter. After he was discharged from the hospital, he had approached police and the FIR was registered on 16th June, 2019. The injury certificate with regards to the injury sustained by the complainant refers to multiple hairline fracture of left carpal bone with vascular injury which is of grievous nature. The applicant is in custody from 11st July, 2019. On Certain terms and conditions bail can be granted to the applicant.

7. Hence, I pass the following order :

ORDER

- i) Bail Application No. 3331 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 433 of 2019 registered with Chikhali Police Station, Dist. 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 of jurisdiction of Chikhali Police Station, Dist. Pune, till further order.
- iv) The applicant shall furnish the details of his residence to the Investigating Officer after he is released on bail.

- v) The applicant shall attend Trial Court regularly on the dates of hearing of the case unless exempted by the Court.
- vi) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)