

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

CRIMINAL BAIL APPLICATION NO. 3360 OF 2019

Sagar Namdv Gangurde

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Rameshwar N. Gite, Advocate for the Applicant.

Mr. M. G. Patil, APP for the state-respondent.

Mr. D.L.Malu, PSI, Gangapur Police Station, Nashik City, present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 14th January, 2020

PC :

1. The applicant is seeking bail in connection with C.R. No. I-246 of 2019 registered with Gangapur Police Station, Nashik for offences punishable under Section 307, 326, 323, 504, 506 r/w 34 of Indian Penal Code.

2. It is alleged that the complainant Avinash Kamble lodged a report at Gangapur Police Station. It is alleged that on 19th July, 2019 at about 8.30 pm. the complainant received a phone call from his friend Asif Khan informing him that the applicant and his friend picked a quarrel with him and assaulted Bablu and Pravin Rathod and threatened them that, if they are seen again they would be finished them. It is further alleged that at about 10.15 p.m. the

complainant was near Raje Sambhaji Gymnasium, chit chatting with his friends Roshan Sonwane, Kishor Shegaonkar and Pravin Rathod and injured Ishwar Dattatray Pote. It is further alleged that Pravin Rathod started returning home. He came back and informed that, he was assaulted by applicant. It is further alleged that the complainant and his friends went to the spot shown by Pravin Rathod where they found applicant along with the other accused Mayur Wanrekar, Sanket Mankar and Rohit Thapa. It is further alleged that when the complainant and his friends questioned the applicant and others. The applicant and others started abusing and assaulting them with fist and kicks. Sagar Gangurde assaulted by knife and assaulted Ishwar and attempted to kill him. The injured Ishwar was rushed to Sankalp Hospital Shivaji nagar for medical treatment and he was treated in the hospital approximately for 5 to 6 days and thereafter discharged. On completion of investigation charge-sheet has been filed.

3. The applicant was arrested on 27th August, 2019. On completing investigation charge-sheet is filed. Learned counsel for the applicant submitted that the applicant is young boy. He has been under going treatment for ailment of kidney since 2017. The applicant had also sustained injuries. He was admitted in Civil Hospital Nashik. There are no criminal antecedents against the

applicant. The victim is out of danger. The applicant is willing to stay out of jurisdiction of Gangapur Police Station.

4. Learned APP submitted that the applicant and the co-accused were instrumental in harassing two girls. They complained to the shop keeper. The shop keeper is friend of the complainant. The applicant is attributed role of assaulting the injured by knife on neck and abdomen. There is recovery of knife from the applicant. It is submitted that the offence is of serious in nature.

5. The applicant is in custody from 27th August, 2019. There are no criminal antecedents against the applicant. The applicant is young boy aged about 19 years. He was admitted in Civil hospital Nashik. He was treated from 20th July, 2019 at about 4.50 pm. He had sustained three injuries in the nature of blunt trauma over left orbit and occipital region and CLW over right thigh. There are no criminal antecedents against the applicant. He is aged about 19 years. The applicant had contended that he was admitted in Sankalp Multispeciality Hospital and he was treated with cystoscopy and spleen was removed and kidney was enlarged with moderate hydronephrosis and his left ureter was found dilated. Hence, Bail is granted on certain terms and conditions.

6. Hence, I pass the following order.

ORDER

- i) Bail Application No.3360 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. I-246 of 2019 registered with Gangapur Police Station, Nashik 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 jurisdiction of Gangapur Police Station till conclusion of Trial.
- iv) The applicant shall furnish the details of his residence about the place of his residence to the investigating Officer after he is released on bail.
- v) Applicant shall attend trial court on the date of hearing regularly unless exempted by the trial Court.
- vi) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)