

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

CRIMINAL BAIL APPLICATION NO.3414 OF 2019

Vivek Suresh Navghane

... Applicant

Versus

The State of Maharashtra

... Respondent

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Mr. Prashant M. Patil, Advocate for the Applicant.

Ms. A. A. Takalkar, APP for the Respondent – State.

Mr. Shrikant Madhukar Joshi, P.S.I. Rajgad Police Station, Pune
Rural, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 21st DECEMBER, 2020.

PER COURT:

1. This is an application for bail in C.R. No. 153 of 2019 registered with Rajgad Police Station, Dist. Pune, for offences punishable under Sections 302, 307, 143, 147, 148, 149, 504 & 506 of Indian Penal Code (for short “IPC”). The applicant was arrested on 30th April, 2019.

2. The complaint was lodged by Nilesh Ghogare on 24th April, 2019. It is alleged that, on 22nd April, 2019 there was altercation between him and Akshay Chor. Complainant gave call to Sagar Chor and informed him about it. He told him to tell his brother Akshay to meet him at Arvi Phata to resolve differences. Complainant

went to Arvi Phata. Sagar Chor and Akshay Chor came there. Vivek Navghane (applicant), Sunny Navghane also came there. They had discussion. Complainant's Cousin Sahdeo Ghogare, Umesh Ghogare, Sagar Ghogare, Santosh Ghogare were present at the instance of complainant. During discussion, Sagar Chor abused Umesh Ghogare and pushed him. Both sides started fighting. Sahdev assaulted Akshay. Sahdev picked up iron rod lying there and assaulted Akshay on his head. Akshay fell down. Akshay took rod from hand of Sahdeo and assaulted Sahdeo. Akshay then stated that he would finish Umesh and assaulted him by iron rod. Umesh fell down. Both sides had a fight. Umesh was taken to hospital. The offences were registered under Section, 143,147,148, 307, 504 & 506 of IPC.

3. Supplementary Statement of Nilesh was recorded on 24th April, 2019. He stated that, on the aforesaid day during discussion there was quarrel. Akshay chor and Sagar chor took out iron rod and sword from car. Aakash Navghane took stick. Vivek Navghane came by other car. Sagar assaulted Sahdeo by sword. Akshay assaulted Umesh by iron rod on his head. Sunny and Vivek assaulted Umesh by bamboo and Sahdeo assaulted Vivek by iron rod. Akshay again assaulted Sahdeo. Statement of Rupesh Ghogare was recorded on 24th April, 2019. He stated that Vivek and Sunny assaulted Umesh by

bamboo. Sahdeo assaulted Vivek by iron rod on his head. Aakash Ghogare also gave similar statement. The other witnesses statements are similar.

4. Learned advocate for the applicant submitted that the applicant has been falsely implicated in this Case. The applicant himself is injured person. He was hospitalized for the injury sustained by him. He relied upon the medical case papers to show that, applicant was assaulted and sustained CLW over parietal region. He further submitted that, cross case was registered from the applicant's side vide C.R. No. 154 of 2019 for offences punishable under Sections 307, 143, 147, 148, 149, 504 & 506 of IPC at the instance of Sagar Balasaheb Chor on 29th April, 2019. There are no criminal antecedents against the applicant.

5. Learned APP submitted that, specific role has been attributed to the applicant. He had assaulted the deceased by Bamboo. Weapon has been recovered from the applicant. The deceased Umesh Ghogare had died due to the assault by accused. Another person was injured.

6. As stated above, both the sides had gathered to resolve previous dispute. There was exchange of words and apparently both sides assaulted each other. Although the presence of the applicant

was shown, no role of assault was attributed to him in the FIR. The role of assault by bamboo was assigned to applicant subsequently.

7. The Post-mortem report of deceased Umesh Ghogare refers to contusions and abrasions. It was alleged that, other accused had assaulted the deceased by iron rod. In the FIR itself it is mentioned that applicant was assaulted by iron rod by Sahdeo. The complainant has drastically changed his version in supplementary statement by assigning role to applicant. The statement of other witnesses are in consonance with supplementary statement of complainant which was recorded on same day i.e. 24th April, 2019. Cross case has been registered vide C.R. No.154 of 2019. The applicant and Akshay Chor had allegedly sustained injuries. The injury certificate of the applicant indicate that, he had sustained CLW over left parieto parietal region and abrasions over neck and shoulder. He was admitted in hospital from 25th April, 2019 to 30th April, 2019. In the light of the factual aspects, case for grant of bail is made out. Hence, I pass the following order:

ORDER

- (i) Bail Application No.3414 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 153 of 2019 registered with Rajgad

Police Station, Pune on executing 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 first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

(iv) The applicant shall not approach the complainant. He shall not tamper with the evidence in any manner;

(v) Application stands disposed of accordingly.

8. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)