

Digitally
signed by
RUPALI
RAJESH
WAKODIKAR
Date:
2021.09.07
16:45:20
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2155 OF 2021

Sanjay Sopan Kuchekar
Versus
The State of Maharashtra

...Applicant
...Respondent

Mr. Rupesh Zade for the Applicant.

Mr. Ajay Patil, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 6th SEPTEMBER, 2021

P.C. :

- 1 Heard learned counsel for the parties.
- 2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 413 of 2019 registered with the Hadapsar Police Station, Pune, for the alleged offences punishable under Sections 307, 141, 143, 147, 148 and 149 of the Indian Penal Code; and Sections 37(1), (3) of the Maharashtra Police Act.
3. Perused the papers. According to the first informant – Renuka

Dilip Dhile, the incident took place on 12th May, 2019. She has stated that when she and her husband Dilip (injured) were returning home after selling fish and were near Manjarai Temple road, the accused (named and unknown) stopped their vehicle. She has stated that the said accused were armed with sharp edged weapons. She has stated that the accused assaulted her husband Dilip with the said sharp edged weapons. According to the first informant, the applicant assaulted her husband Dilip with a sharp edged weapon on his left hand. A perusal of the injury certificate shows that Dilip (injured) had sustained five incised injuries i.e. one incised wound on left ear lobe; one incised wound on left side posterior region; one incised wound on left temporo occipital region; one incised wound on occipital region; and one incised wound over ulnar and dorsal aspect of left hand. The aforesaid four injuries are stated to be simple in nature, however, the last injury is stated to be grievous.

4. A perusal of the statement of Dilip Dhile, the injured shows that the said injury on his left hand was caused by co-accused Deepak Kuchekar and Pankaj Waghmare. A perusal of injured – Dilip's statement shows, that no specific overt act has been attributed by him to the applicant. The applicant is in custody since 13th May, 2019. Investigation is complete and chargesheet is filed. The applicant has no antecedents.

5. Considering the aforesaid, further detention of the applicant is not warranted. Accordingly, the application is allowed and the applicant be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall inform his latest place of residence and mobile contact number, if any, soon after being released on bail and/or if there is any change of residence or mobile details, time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(v) The applicant shall file an undertaking with regard to clauses (ii) to (iv) in the trial Court, within two weeks of his release;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.