

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1100 OF 2020

Aniket Prakash Dadar & Anr	.. Applicants
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Tejas Hilage for the applicants.
Mr.S.V. Gavand, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 8th JANUARY 2021.

P.C:-

1 The two applicants before the Court are charge-sheeted under Sections 307 read with Section 34 of the IPC, section 4(25) of the Arms Act, section 37(1) and Section 35 of the Maharashtra Police Act for a C.R. bearing No. 1830 of 2020 registered with Yerwada Police Station. The applicant no.1 is a student aged 19 years whereas the applicant no.2 is a young man aged 24 years engaged in private service. They came to be arrested on 15th June 2020 on a C.R. being registered on a complaint filed by one Nilesh @ Pinya Sanjay Salve. In his complaint dated 15th June 2020, the complainant has stated that he is residing on the address given in the complaint and he is

acquainted with Yash Dadar, Kranti @ Bobby Dadar, Aniket Dadar and Ajay Dadar. He allege that on 14th June 2020, at around 23.30 p.m, when he was sitting in the Ganga Complex Compound, all the four accused persons arrived there. At that time, he offered money to Yash Dadar and asked him to purchase a bottle of liquor. They triggered the incident complained of, and all four accused persons started assaulting him by fists and blows. It is specifically stated that Yash assaulted him by means of a weapon on his neck and left shoulder whereas Kranti @ Bobby howled that he may be finished and assaulted him by a scythe in his hand, on his back and waist causing bleeding injuries. His father reached the spot and he was admitted in the hospital.

2 Statement of witnesses are compiled in the charge-sheet which include statement of one Rohit Salve who was called by the injured while he was being assaulted. He state that huge crowd had gathered at the spot and he state that when he reached there, he witnessed that Nilesh was being assaulted by all the four accused persons by fists and blows. Statement of Manoj Kamble is also somehow to the similar effect who attribute Kranti, an assault by means of a sickle in his hand and Yash having assaulted by a scythe in his hand. The injury certificate of Nilesh is part of the charge-sheet and it reflect three stab injuries and three incise wounds. The two grievous stab injuries recorded are (i)Stab 8 x 2 cm on posterio chest wall below left scapula and (ii)Stab ('Y'

shaped) 5 x 5 cm muscle deep on left lateral side of neck. Another stab injury is 3 x 4 cm muscle deep is described as 'simple injury'. Perusal of the injury certificate would reveal two grievous injuries and as per the complainant, the said injuries are attributed to the other two accused persons – Kranti and Yash. The supplementary statement of the complainant recorded on 27th June 2020 is also consistent with his first statement and the present applicants are attributed the role of assaulting him by fists and blows with an intention to kill. Undisputedly, the present applicants are charged with the aid of Section 34 and the effect of the common object would be discerned at the time of trial.

3 Prima facie, having a look at the injury certificate, the injuries which would have been responsible for attracting Section 307 of the IPC cannot be attributed to the present applicants though for establishing Section 307 of the IPC, it is not the nature of injury but the intention and knowledge that such injury is likely to cause death, will have to be proved by the prosecution. The applicants who have been arrested since the month of June 2020, in the backdrop of the aforesaid allegation, on completion of investigation, and filing of charge-sheet need not be incarcerated and therefore, the applicants are entitled to be released on bail. Hence, the following order :-

ORDER

Application is allowed.

- (a) The Applicant no.1 Aniket Prakash Dadar and applicant no.2 Ajay Deepak Dadar, shall be released on bail in connection with C.R. No.1830 of 2020 registered with Yerwada Police Station, Pune, on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties of the like amount.
- (b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicants should not tamper with evidence.
- (d) The Applicants shall mark their attendance in the trial Court once in every two months.

SMT. BHARATI DANGRE, J