

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3166 OF 2019

Bhimrao Devidas Warghad .. Applicant

Vs.

The State of Maharashtra .. Respondent

...

Mr. Shailesh Kharat for the Applicant.

Mr. Y.Y. Dabake, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 18TH MARCH, 2021.

P.C:-

1. The Applicant is charge-sheeted in C.R. No.I-362 of 2017 registered with Chakan Police Station, Pune for offences punishable under Section 397 of the IPC and Sections 4 and 27 of the Arms Act. He came to be arrested on 05/02/2019 though the Applicant incorrectly mentioned in the Application that he came to be arrested on 07/02/2019. The Applicant remained incarcerated since then. On completion of investigation, charge-sheet is filed.

2. The FIR is lodged by one Ekanath Ghadage on 07/04/2017. The Complainant is the person, with whom the Applicant was engaged as a Tractor driver. The allegation levelled against the Applicant is that on 07/04/2017, the Applicant has assaulted the Complainant and demanded money from him. It is also alleged that the Applicant confined him in a room in the house of the Complainant and also snatched his mobile and removed the sim card. It is also alleged that while he was fleeing, he took away the Hero Splendor Motorcycle and ran away from the spot.

3. On being injured, the Complainant was referred to a private hospital, which on 07/04/2017 certified that he had suffered an injury with multiple contused lacerated wounds (CLW) with history of assault and, after emergency management, shifted to Birla Hospital. The injury certificate was issued by Aditya Birla Memorial Hospital on 28/04/2017, which referred to an assault by unknown sharp object resulting into lacerated wound over occipital region measuring approximately 7x1 cm and injuries over chin, left side neck, left side chin, right side neck, right side of face as per the specified dimensions given in the said certificate. The weapon by which the injuries were caused were described as unknown sharp object. It is in the wake of this allegation that the Applicant is arrested and charge-sheeted.

4. The submission of learned counsel appearing for the Applicant is that the Applicant was working as an employee of the Complainant and shared a cordial relationship, but on account of some trivial cause, he was driven to take the step of assaulting his master. There are no antecedents to the credit of the present Applicant and he is housed inside the prison from 05/02/2019.

Taking *prima facie* view of the matter that there is no preparation or premeditation by the Applicant and the incident of assault on the Complainant was at the spur of the moment, coupled with the fact that there is no apprehension by the prosecution that the Applicant would flee from course of justice or tamper with the evidence of the prosecution to be led during the trial, in my considered opinion, he is entitled to be released on bail on the following conditions:

:ORDER:

- (a) The Applicant – Bhimrao Devidas Warghad shall be released on bail in CR.No.I-362 of 2017 registered with Chakan Police Station, Pune, on executing P.R. bond in the sum of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any

person acquainted with facts of case and shall not tamper with prosecution evidence.

- (c) The Applicant shall mark his attendance once in a month, in the Sessions Court, Khed Rajgurunagar, which is dealing with Sessions Case No.39 of 2019.

5. The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J.