

9 November, 2022.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1188 OF 2022**

Karan Khanderao Kumbhar

....Applicant

V/s.

State of Maharashtra

....Respondent

Mr. Vishal Kolekar, Advocate for the applicant.**Mr. A.A. Palkar, APP** for the State.**CORAM : SANDEEP K. SHINDE, J.****WEDNESDAY, 9TH NOVEMBER, 2022.****P.C. :**

1. Heard learned Counsel for the parties.
2. Applicant seeks his enlargement on bail in connection with Crime No. 302/2021 registered with Yerwada Police Station, Pune for the offences punishable under Sections 307, 326, 504, 188, 269 read with Section 34 of the Indian Penal code and Section 4/25 of the Arms Act, (Criminal Law 2nd Amendment), under Sections 3, 7 and Maharashtra Police Act, 37(1), 135 and Section 11 of the Maharashtra Covid-19 Rules, 2020 and 51(b) of Disaster Management Act.

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3. It is prosecution's case that on 9th June, 2021 applicant and three co-accused armed with weapons were waiting outside the house of the complainant. No sooner, he came out, brutal assault was mounted on him. Complainant alleged, applicant inflicted serious injury on his head, when he tried to escape from the clutches of the accused, he was chased and again assaulted by the applicant on vital part of his body. As a result, the complainant had suffered two incised wounds on right parietal-temporal region and suffered displaced fracture of left parietal bone. The Injury Certificate, corroborates the allegation of assault. Though it is argued that the co-accused have been granted bail, in my view, in consideration of the facts of the case and the injuries sustained by the complainant, who was just a 16 year old boy, I am not inclined to release the applicant on bail. Moreover, the statements of the eye-witnesses corroborates the complaint on the material allegations. Even otherwise, offence being punishable with imprisonment for 10 years and having regard to the role attributed to the applicant, the application is rejected.

NEETA
SHAILESH
SAWANT

(SANDEEP K. SHINDE, J.)

Digitally signed by
NEETA SHAILESH
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