

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

BAIL APPLICATION NO. 3920 OF 2021

Akshay Kumar Devendra Salve Applicant

v/s.

The State of Maharashtra Respondent

Ms. Shubhangi Parulekar for the Applicant.

Mr. A.A. Palkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 02nd DECEMBER, 2022.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Sessions Case No.192/2021 pending on the file of learned Additional Sessions Judge, Pune for offences punishable under sections 307, 109 r/w. 34 of the Indian Penal Code.

2. Heard Ms. Parulekar, learned counsel for the Applicant and Mr. A.A. Palkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First

Information Report (FIR) lodged by Dhairyasheel Nakade. It is the case of the prosecution that on 05/11/2020, at about 10:00 p.m., two unknown persons called the injured Tanaji at the gate of Shri. Mahaganpati Career Academy, Ranjangaon and assaulted him by means of a sickle. The FIR was lodged against unknown persons. The Applicant was arrested in the course of the investigation. The injured Tanaji has identified the Applicant as one of the assailants. The medical reports reveal that the injured Tanaji had sustained incised wound and laceration on right palm, incised wound and laceration on the elbow, laceration on left shoulder and CLW and contusion on the head. The Doctor has opined that the injuries were inflicted with blunt object. The medical certificate prima facie suggests that though the weapon used was a sharp edged weapon, the Applicant had inflicted injury by blunt side of the weapon. The medical certificate also reveals that CLW on the head was the only injury inflicted on vital part of the body. The narration of the facts in the FIR and the other circumstances do not make out a prima facie case of intention to cause death.

4. The Applicant is in custody since 12/11/2020. It is stated that till date, charge is not framed and considering the large pendency, the trial is not likely to commence in immediate future. Under the

circumstances, in my considered view, this is a fit case for grant of bail. Hence, the Application is allowed on the following terms and conditions :-

- (i) The Applicant who is facing trial in Sessions Case No.192/2021 pending on the file of learned Additional Sessions Judge, Pune, is ordered to be released on bail on furnishing P.R. bonds in the sum of Rs.30,000/- with one or two solvent sureties in the like amount ;
- (ii) The Applicant shall report to Ranjangaon M.I.D.C. Police Station once in a month on every 1st Monday between 11.00 a.m. to 02.00 p.m. till framing of the charge ;
- (iii) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

(v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

5. Bail Application stands disposed of in above terms.

PREETI
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JAYANI

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by PREETI H
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Date: 2022.12.05
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(SMT. ANUJA PRABHUDESSAI, J.)