

Tamkheda and he would show him that person. Ganesh Makar and Shivam Shitkal went on their motorcycle and others followed them. The complainant and others reached the spot. Ganesh Makar and Shivam Shitkal reached at Tamkheda. The accused assaulted Ganesh and Shivam with Sword and Sticks. Manya @ Mahesh assaulted on the head of Shivam Shitkal by means of stone and accused Mahesh Tule assaulted on the head of Ganesh by means of Stone and Yuvraj Shinde assaulted Ganesh on the head by throwing stone.

3. Undisputedly, the applicant is not the assailant in the crime. He was not present at the scene of offence. His involvement is based on the statement of the Govind Maruti Khomne recorded on 30.09.2021. According to the said witness, somewhere in June – 2021, he has visited Hotel Garwa at Kedgaon for lunch. While he was standing in the parking space of the hotel, he saw Mahesh @ Manya Bhagwat, Mahesh Tule, Gahininath Mane and their friend Yuvraj Shinde. At that time, Manya Bhagwat met the applicant and told him that boys from Ambika Nagar are troubling them. They are abusing and threatening them. He sought help from the applicant. It is further alleged that the applicant told them they should go ahead with their work and he would see that they would be released.

4. Learned APP submitted that, apart from the aforesaid statement, there is no evidence against the applicant. Three other cases are registered against the applicant. It is not denied by the prosecution that, except the aforesaid statement, there is no involvement of the applicant. Thus, the said witness has referred to the incident of June – 2021. The alleged assault had occurred in July – 2021.

5. Considering the nature of evidence, the applicant cannot be further subjected to custody. Hence, I pass the following order:

ORDER

- i. Criminal Bail Application No. 4434 of 2021 is allowed;
- ii. The applicant is directed to be released on bail in connection with C.R. No.588 of 2021 registered with Yavat Police Station, Pune, on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- iv. The applicant shall report concerned Police Station once in six months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- v. Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)