

AGK

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

**BAIL APPLICATION NO.311 OF 2023**

Datta Sarang Kute

... Applicant

**V/s.**

The State of Maharashtra

... Respondent

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Mr. Aniket Vagal for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

**CORAM : AMIT BORKAR, J.**

**DATED : JULY 26, 2023**

**P.C.:**

**1.** This is an Application under Section 439 of Criminal Procedure Code (“Cr.PC.”) seeking release of Applicant on bail in connection with Crime No.I-206 of 2022 registered with Adgaon Police Station for the offence punishable under Sections 397, 364(A), 324, 363 of the Indian Penal Code (“IPC”).

**2.** According to prosecution on 27th August 2022, at 11.58 pm, one Rahul Shinde made a call to concerned Police Station informing that one person was lying in an injured condition. Based on the said information, the Police Officials reached at the spot of incident, where they found one motorbike having No.MH-41-Q-7752. They found blood stains on the road and one pair of chappal on the spot of incident. On enquiry with the security guard, he told that around 12 in noon, three unknown persons assaulted a person at the spot of incident. One person went running towards Nandur

Naka, three unknown persons followed him and again assaulted him at Shivneri pan patti with a wooden rod. Three unknown persons put the injured in silver coloured Ertiga car and headed towards Adgaon.

**3.** Based on statements of witnesses and material on record, role attributed to the Applicant is that he assaulted Jaypal Girase and Omkar Raut by a wooden rod. The Applicant/Datta assaulted Omkar by stone on leg. Applicant took away Rs.5,500/- and gold chain of Omkar.

**4.** I have perused charge-sheet and material on record including panchanama of video recorded of alleged incident. Based on the statements of injured eye witnesses, it prima facie appears that the incident occurred due to non-payment of an amount by co-accused Niranjan. Though the material on record prima facie indicates that the Applicant along with other co-accused made Omkar and Jaypal to sit in Ertiga car, prima facie material on record does not indicate, giving death threats or causing reasonable apprehension that the victim would be put to the death, occurred. There is no recovery of cellphone from the Applicant nor the amount of Rs.5,500/- has been recovered from Applicant. The Applicant has no antecedents of human body offence. The material on record does not indicate serious injury to Jaypal or Omkar who is alleged to have been assaulted by the Applicant. The material on record prima facie does not indicate active role of assaulting Omkar. Considering aforesaid material, the Applicant deserves to be released on bail. Hence, the following order:

- i) The applicant, namely, Datta Sarang Kute shall be released on bail in connection with Crime No. I-206 of 2022 registered with Adgaon Police Station for the offence punishable under Sections 397, 364(A), 324, 363 of the IPC on furnishing P.R. Bond of Rs. 50,000/- with one or two sureties in the like amount to the satisfaction of the investigating officer;
  - ii) The applicant shall provide his recent self-attested photograph at the time of executing P.R. Bond;
  - iii) The applicant shall remain present before the concerned police station concerned on first Saturday of each month between 11.00 am to 2.00 pm till the conclusion of trial;
  - iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
  - v) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
  - vi) The Applicant shall not enter the limits of Adgaon Police Station except for the purpose of marking his presence in the concerned Police Station till conclusion of trial.
- 5.** The Bail Application stands disposed of. No costs.

**(AMIT BORKAR, J.)**