

Nikita

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

BAIL APPLICATION NO.564 OF 2023

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Sunil Shankar Pujari

... Applicant

V/s.

State of Maharashtra

... Respondent

Ms. Shubhangi Parulekar, for the Applicant.

Mrs. Veera Shinde, APP for the State/Respondent.

Mr. Pradeep M. Kakade, P.I. Mundhwa Police Station.

CORAM : AMIT BORKAR, J.

DATED : 26 JULY, 2023

P.C.:

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973 in connection with C.R. No.132 of 2022, registered at Mundhwa Police Station, Pune for offences punishable under Section 302, 201, 323, 504 and 34 of the Indian Penal Code, 1860.

2. The prosecution case in short is as under:

On 24th May 2022, while deceased was returning home, two persons were proceeding on Motorcycle behind him. There was exchange of words between them as the deceased received dash of the said Motorcycle, thereupon, two persons assaulted the deceased. One of them hit the deceased by stone and another person slapped the deceased. During test identification pared,

applicants were identified. Based on supplementary statement of the eye-witness, prima facie role attributed to the applicant is of slapping the deceased and co-accused assaulted the deceased by stone.

3. On perusal of the charge-sheet, it prima facie appears that the applicant was wearing T-shirt and half Barmoda pant, whereas co-accused was wearing shirt and pant. CCTV Panchanama indicates prima facie that the person wearing shirt and pant assaulted the deceased on head by stone. The person who assaulted was Pillion Rider. Role attributed to the applicant even in supplementary statement is of slapping the deceased. The applicant has no criminal antecedents to his discredit. Therefore, the applicant has made out a case for release on bail. Hence, following order:

- a) The applicant be released on bail in connection with C.R. No.132 of 2022, registered at Mundhwa Police Station, Pune for offences punishable under Section 302, 201, 323, 504 and 34 of the Indian Penal Code, 1860, furnishing P.R. bond of Rs.25,000/- along with one or two sureties in the like amount.
- b) The applicant mark his presence before the concerned Police Station on first Saturday of each month between 11.00 p.m. to 2.00 p.m..
- c) The applicant shall attend the Trial Court on each date unless exempted by the Court.
- d) 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;

4. The Bail Application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)