



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

BAIL APPLICATION NO. 1977 OF 2023

BHASKAR BABAN KARNUK
SAKHARAM GOTIRAM KARNUK ..APPLICANTS
VS.
STATE OF MAHARASHTRA ..RESPONDENT

Mr. A.P. Mundargi, Senior Advocate i/b Mr. Varun V. Thokal, for the applicant.

Mr. N. B. Patil, APP for the State.

API-G.B.Balwadkar, Rasaini Police Station present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 07, 2023

P.C. :

1. Heard learned Senior Advocate for the applicants and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 307, 326, 324, 452, 143, 147, 148, 149, 504, 506, 427 of the Indian Penal Code, 1860, sections 37(1), 37(3), 135 of the Maharashtra Police Act registered on 01/02/2023 vide C.R. No.23/2023 with Rasaini Police Station, Raigad.

3. There are in all 9 accused. The applicant no.1 is the accused

no.1 and the applicant no.2 is the accused no.2. The applicants were arrested on 01/02/2023.

4. Learned Senior Advocate submitted that there was a dispute over a cow-shed belonging to the complainant party. The complainant party and those belonging to group of the accused had a fight. Some of the persons from the side of the accused also suffered simple injuries.

5. So far as the applicant no.1 is concerned, learned Senior Advocate on instructions seeks leave to withdraw the application with liberty to apply for bail after sometime. The bail application is allowed to be withdrawn with liberty to approach this Court after 6 months.

6. So far as the applicant no.2 is concerned, learned APP opposed the application. The role attributed to the applicant no. 2 is that he was carrying a sword and assault was by sword. It is alleged that the injured witnesses Sarita Patil and Kashinath Patil were assaulted by the applicant no.2- Sakharam Gotiram Karnuk who is the accused no.2. The medical report, however, indicates that injuries on the person Sarita Patil is caused by hard and blunt object. The injuries suffered by Kashinath Patil are simple in nature. Applicant no.2 was

arrested on 01/02/2023 and is in custody for almost 8 months. There are no criminal antecedents reported against the applicant no.2. The investigation is complete. The charge-sheet has been filed. In the facts and circumstances of the present case, considering the role of the applicant, nature of the injuries inflicted, I am inclined to enlarge the applicant no. 2 on bail. Hence, the following order :-

ORDER

- (a) The bail application in respect of applicant no. 1- Bhaskar Baban Karnuk is allowed to be withdrawn with liberty to apply for bail after 6 months.
- (b) The applicant no.2 -Sakharam Gotiram Karnuk in connection with C.R. No. 23 of 2023 registered with Rasaini Police Station, Raigad shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant no.2 shall attend the investigating officer of Rasaini Police Station, Raigad once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant no.2 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not

tamper with evidence.

(e) On being released on bail, the applicant no.2 shall furnish his contact number and residential address to the investigating oOfficer and shall keep him updated, in case there is any change.

(f) The applicant no. 2 shall not reside within the jurisdiction of Rasaini Police Station, Raigad for a period of 6 months.

(g) The applicant shall attend the trial regularly.

7. The application is disposed of.

(M. S. KARNIK, J.)