

of Pooja. In the course of the scuffle the applicant allegedly assaulted the first informant's cousin Lokesh by means of a knife like sharp weapon. The applicant also assaulted the first informant by an object on the stomach. The co-accused Vicky assaulted the members of the informant party by means of tile.

4. The learned Sessions Judge was persuaded to exercise the discretion in faovur of the co-accused Vicky. The application of the applicant came to be rejected as the applicant had assaulted by means of knife.

5. The learned Counsel for the applicant submitted that the learned Additional Sessions Judge has recorded that the first informant and injured had not sustained any grievous injury. The first informant and witnesses have alleged that the applicant has used the knife like sharp weapon. In this view of the matter, the applicant is also entitled to the same dispensation as was extended to the co-accused.

6. The learned APP submitted that the applicant has used a sharp weapon. The learned APP, however, fairly submitted that the injury certificate of the injured indicates that all the injuries sustained by the injured were designated as simple.

7. In this view of the matter, *prima facie*, the question as to whether an offence punishable under Section 326 of the Penal Code is made out, appears to be debatable. Rest of the offences are bailable. Thus, I am persuaded to exercise the discretion in favour of the applicant.

8. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.792 of 2023, registered with Shirur Police Station, Pune Rural, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Shirur Police Station on 7th 8th and 9th November, 2023 in between 10.00 am. to 1.00 pm. and, thereafter, as and when directed.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.

- (iv) The applicant shall regularly attend the proceedings pending before the jurisdictional Court.
- (v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]