

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

BAIL APPLICATION NO.1201 OF 2024

Amar Sunil Wagh

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Sachin Mane, Mr. Kedar Patil, Ms. Sakshi Kadam, Mr. Pratik Tare
& Mr. Jitesh Mondhwa, Advocates, for the Applicant.
Ms. Savita Yadav, APP, for the Respondent – State.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 22.03.2024**

P. C.

1. Heard Mr. Mane, learned Counsel for the Applicant and Ms. Yadav, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	583 of 2023
2.	Date of registration of F.I.R.	17.09.2023
3.	Name of Police Station	Shivajinagar, Kolhapur
4.	Sections invoked	307, 323, 504, 506 r/w. 34 of the I.P.C., 1860
5.	Date of incident	16.09.2023
6.	Date of arrest	18.09.2023
7.	Date of filing of Charge-sheet	24.11.2023

3. As per the prosecution case, there are in all three accused persons. The Accused and Informant are friends. The Applicant is Accused No.2. As per the prosecution case, Accused No.1 – Rohit

Shivaji Shingade was in a romantic relationship with the cousin sister of one Raju Vadar and the Informant provided information about the same to Raju Vadar. Therefore, said Rohit Shingade had questioned the Informant about the same around one month earlier from the date of incident. The incident in question occurred on 16.09.2023 at about 8.30 p.m. when the Informant was at Platinum Gym, Deccan Road, Ichalkaranji. At that time, Accused No.1 – Rohit Shingade called the Informant outside the Gym and Accused No.1 – Rohit Shingade, Accused No.2 – the present Applicant and Accused No.3 – Sushant Gore questioned him about his said conduct of providing information regarding the romantic relationship between Accused No.1 – Rohit Shivaji Shingade with the cousin sister of said Raju Vadar to said Raju Vadar. Suddenly scuffle took place between the Accused and the Informant. In that scuffle Accused No.3 – Sushant Gore assaulted the injured with a knife. Accusde No.1 - Rohit Shingade assaulted the informant with a sickle and the present Applicant i.e. Accused No.2 assaulted the injured with kicks and fist blows.

4. It is the contention of Mr. Mane, learned Counsel for the Applicant that the only role attributed to the Applicant is of kicks and fist blows to the injured. There was no motive for the Applicant to commit the offence in question. The motive is attributed to the Accused No.1. He submitted that the Applicant is incarcerated since more than six months. Investigation is complete. Charge-sheet has

already been filed.

5. On the other hand, Ms. Yadav, learned APP for the Respondent – State vehemently opposed the Bail Application. She submitted that all the three accused persons have mercilessly assaulted the injured. The Accused No.1 assaulted the injured with a knife. Accused No.3 assaulted the injured with a sickle and the present Applicant assaulted the Informant with kicks and fist blows. She further submitted that there is one antecedent.

6. Mr. Mane, learned Counsel for the Applicant submitted that as far as the said offence is concerned, it is of the year 2022 and the Applicant has been enlarged on bail thereunder.

7. A perusal of the record shows that the incident in question occurred on 16.09.2023. F.I.R. was lodged on 17.09.2023. The Applicant was apprehended on 18.09.2023. Charge-sheet was filed on 24.11.2023. As per the Charge-sheet, there are about 21 witnesses proposed to be examined by the prosecution. There is no progress in the trial. Even the Charge is also not framed yet. The trial is likely to take a considerably long time.

8. The Injury Certificate shows that the injuries are simple in nature. However, in any case, the role which has been attributed to the present Applicant is that he assaulted the injured with kicks and fist blows.

9. The Applicant does not have any criminal antecedents.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:-

ORDER

(a) The Applicant - Amar Sunil Wagh be released on bail in connection with C.R. No.583 of 2023 registered with the Shivajinagar Police Station, District - Kolhapur on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Shivajinagar Police Station, District - Kolhapur once in a week, on Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) The Applicant 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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the

Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]