

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2134 OF 2023

Dhondiba M. Gaikwad

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ritesh Thobde a/w Mr. Changdev Shingade, Ms. Anikta Rai,
Advocates for the Applicant.

Mr. S.S. Kaushik, APP for the Respondent-State.

Mr. Chidanand, Police Naik (B.No.938) Akkalkot North Police Station,
present

CORAM : MADHAV J. JAMDAR, J.

DATED : 29th JANUARY 2024

P. C.

1. Heard Mr. Thobde, learned Counsel appearing for the Applicant and Ms. Kaushik, learned APP appearing 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.	275 of 2021
2. Date of registration of F.I.R.	13 th June 2021
3. Name of Police Station	Akkalkot North Police Station.
4. Section/s invoked	302, 326, 324, 323, 427, 504, 506, 146, 147, 148, 149 of the I.P.C., 1860 and 3 and 25 of the Arms Act, 1959.
5. Date of incident	12 th June 2021
6. Date of arrest	1 st July 2021
7. Date of filing Charge-sheet	6 th September 2021

3. As per the prosecution case, on 12th June 2021, there was some altercation and quarrel between both the groups i.e. the first informant, his family and the Applicant and others. They started assaulting the deceased with stick and kick blows. This is a case of cross-complaint.

4. As far as the role attributed to the present Applicant is concerned, he has assaulted the deceased with a stick.

5. Mr. Thobde, learned Counsel appearing for the Applicant submitted that in the cross-complaint also, there is a Charge-sheet filed bearing C. R. No.276 of 2021. He pointed out the injury certificate of the Applicant wherein the Applicant has also suffered several injuries, and one injury is grievous in nature. He submitted that the role of the Applicant is that the Applicant has assaulted the informant and others by means of a stick.

6. Ms.Kaushik, learned APP strongly opposed the Bail Application. She submitted that the Applicant has taken actual part in the said assault. She submitted that the Accused No.1 has used an axe and that the Accused No.3 has used a sword.

7. The position on record shows that the incident had occurred on 12th June 2021. The Applicant has been arrested on 1st July 2021.

8. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed on 6th September 2021. There are 33 witnesses as per the Charge-sheet. This is a case where Charge-sheet is filed in cross-complaint. The trial is likely to take a considerably long time.

9. The Applicant has been incarcerated for about 2 years and 6 months.

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

11. The Applicant does not have any criminal antecedents.

12. Accused No.4 has been granted bail by a learned Single Judge (Coram: R.N. Laddha, J.) by Order dated 16th December 2022, Accused Nos.5 and 7 have been granted bail by a learned Single Judge (Coram : N.R. Borkar, J.) by Order dated 11th November 2022 and Accused No.6 has been granted bail by a learned Single Judge (Coram: Smt. Anuja Prabhudessai, J.) by Order dated 21st April 2023.

13. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant-Dhondiba M. Gaikwad be released on bail in connection with C.R. No.275 of 2021 registered with the Akkalkot North Police Station, District Solapur (Rural)

on his furnishing P. R. Bond of Rs.25,000/- with one or two 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 Akkalkot North Police Station, District-Solapur (Rural) on the first day of every month 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 evidence and shall not contact or influence the Complainant or any witnesses 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.

14. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]