

AGK

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

BAIL APPLICATION NO.637 OF 2024

Akshay Sudam Londhe

... Applicant

V/s.

The State of Maharashtra

... Respondent

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GANESH
KULKARNI

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Mr. Vaibhav Chandanshive for the applicant.

Mr. Pankaj Deokar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 8, 2024

PC.:

1. The bail application is filed under Section 439 of the Criminal Procedure Code seeking regular bail in connection with Sessions Case No.245 of 2022 arising out first information report bearing C.R. No.377 of 2022 registered with Baramati Taluka Police Station, Pune for offences punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code.

2. The prosecution's case in short is as under:

One Dipak Sanjay Bhise lodged first information report on 7 July 2022 alleging that when he was at Katewadi for religious function and was having chat with his friends Ajay Bhise and Sagar Bhise, the applicant abused the complainant and assaulted him on his head by iron sickle. It is alleged that on receiving injury blood

started oozing and he fall down. It is also alleged that one Sanlya Londhe assaulted the informant by stone on his head resulting in the victim becoming unconscious. In the last part of the report, it is alleged that the applicant assaulted the victim with iron sickle on his back. The informant, therefore, lodged first information report on the next day.

3. The investigating agency carried out investigation and has filed charge-sheet after completing the investigation.

4. The applicant, therefore, applied before the Sessions Judge under Section 439 of the Criminal Procedure Code which is rejected by order dated 6 September 2022.

5. This Court on 5 June 2023 granted bail application of co-accused, Ajay alias Sanlya Sudam Londhe who was attributed role of assault on head by stone.

6. The investigation is complete. The applicant has no antecedents to his discredit. The informant in the earlier part of report was attributed role of assault to the applicant by using iron sickle on head and in the later part of the part the role attributed to the applicant was assault by iron sickle on the back. The corresponding injury evident from the medical certificate is lacerated wound (skull) having dimensions 8.2.2 cm. Therefore, applying principle of parity and considering the fact that the applicant was arrested on 30 July 2022 and investigation is complete, the applicant has made out a case for release under Section 439 of the Criminal Procedure Code. Hence, following order:

- a) The Bail Application is allowed;
 - b) Yerwada Central Prison at Pune is directed to release applicant, Akshay Sudam Londhe on bail on executing PR bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with one or two sureties in the like amount;
 - c) The applicant shall remain present before the Trial Court on each date unless specifically exempted by the Sessions Court;
 - d) The applicant shall furnish details of his residence and cell phone number to the investigating officer and in case of change of address the same shall be communicated to the investigating officer within two weeks from such change;
 - e) The applicant shall not tamper with the evidence of the prosecution and shall not influence the witnesses.
7. The bail application stands disposed of in above terms.

(AMIT BORKAR, J.)