



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO.3634 OF 2023**

|                                  |     |            |
|----------------------------------|-----|------------|
| Sunil @ Nangad Chauhan @ Duglach | ... | Applicant  |
| versus                           |     |            |
| State of Maharashtra             | ... | Respondent |

Mr. Makarand Kale with Mr. Rishi N. Bhatt, Mr. Kishor Ajitrao i/by Mr. Yogesh Sankpal, for Applicant.

Mrs. Geeta Mulekar, APP for State.

Mr. Dnyaneshwar Bedane, API, D.N.Nagar Police Station present.

**CORAM: N.J.JAMADAR, J.**

**DATE : 25 JANUARY 2024**

**P.C.**

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.353 of 2023 registered with D.N.Nagar Police Station for the offences punishable under Sections 147, 148, 149, 307, 323, 504 of the Indian Penal Code.
3. On 5 June 2023 at mid-night, the applicant and co-accused allegedly formed an unlawful assembly and in prosecution of the common object of unlawful assembly initially beat the first informant by means of fist and kick blows. The first informant rescued himself. However, he was again caught hold of by the co-accused and the applicant, unleashed blows by means of broken glass bottle. The first informant sustained bleeding injuries.
4. Learned Counsel for the Applicant submitted that the rest of the co-

accused have been released on bail. In the circumstances of the case and having regard to the nature of the injuries sustained by the first informant, the offence punishable under Section 307 of the IPC cannot be said to have been made out. The learned Counsel for the applicant invited attention of the Court to the injury certificate of the first informant.

5. Learned APP countered the submissions on behalf of the applicant.

6. I have perused the injury certificate. It appears that the first informant has sustained five injuries on back by means of sharp weapon. The Medical Officer designated all the injuries as simple. The injuries do not appear to be on the vital parts of the body of the first informant.

7. In the circumstances of the case, whether the offence punishable under Section 307 of IPC can be said to have been made out, would be a matter for adjudication at the trial.

8. The applicant is in custody since 5 October 2023. Investigation is complete for all intent and purpose. The applicant appears to have roots in society. Possibility of tampering with evidence and fleeing away from justice seems to be remote.

9. I am, therefore, inclined to exercise the discretion in favour of the applicant.

10. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The Applicant – Sunil @ Nangad Chauhan @ Duglach be released on bail in C.R.No.353 of 2023 registered with D.N.Nagar Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (iii) The applicant shall stay away from the limits of D.N.Nagar Police Station for a period of six months.
- (iv) The Applicant shall mark his presence at D.N.Nagar Police Station on first Monday of every trimester in between 11 am to 1 pm for a period of two years or till the conclusion of the trial.
- (v) The applicant shall not tamper with the prosecution evidence. 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 him from disclosing the facts to Court or any police officer.
- (vi) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- (vii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

**( N.J.JAMADAR, J. )**