

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2437 OF 2024

Narayan Vishwanath Puri	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Aditya R. Parmar, Advocate, for the Applicant.
 Mr. Y. M. Nakhwa, APP, for the Respondent-State.
 Mr. Kishor Pawar, API, Lonikalbhor Police Station, Pune City,
 present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 25th JULY 2024

PC:-

1. Heard Mr. Parmar, learned Counsel for the Applicant and Mr. Nakhwa, 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.	592 of 2020
2.	Date of registration of F.I.R.	07/08/2020
3.	Name of Police Station	Loni Kalbhor, Pune
4.	Section/s invoked	307, 427, 143, 147, 148, 149,

		504, 506, 188 of the I.P.C., 1860; 4 and 25 of the Arms Act, 1959; 37(1), (3) r/w. 135 of the Maharashtra Police Act, 1951; 2, 3 and 4 of the Epidemic Diseases Act, 1897.
5.	Date of incident	06/08/2020
6.	Date of arrest	15/10/2020
7.	Date of filing of Charge-sheet	25/11/2020

3. This Bail Application is opposed by the State of Maharashtra by filing affidavit-in-reply dated 16th July 2024 of Mr. Vishnu Deshmukh, Police Sub-Inspector, presently attached to Loni Kalbhor Police Station, Pune City, District-Pune. In the said affidavit-in-reply the prosecution case is set out in paragraph No.3(b), which reads as under:

“3(b) It is the case of the Orig. Complainant/Informant that on 06/08/2020 at about 21.00 hours near Gayatri Kirana stores Mayur Park Handewadi, Tal. Haveli, Dist : Pune the complainant and his friend Chirag Rameshvar Shevale were present to celebrate birthday of their friend Rushabh Shinde. At that time Accused no. 1) Pratik Maharudra Barkade, Accused no.2) Akash

Vishnu Waghale, Accused no.3) Asharf Asif Attar, Accused no.4) Suraj Chandrakant Kakade, Accused no.5) Narayan Vishwanath Puri (present Applicant/Accused), Accused no.6) Abhijit Bhosale and 10 to 12 others had gathered there on 7, 8 motorcycles. The Accused no.2 and 5 started to abuse the complainant out of previous enmity. They threatened to kill complainant. Applicant/Accused Narayan Puri (present Applicant/Accused) attempted blow of scythe on the head of Chirag Shevale. He obstructed the same by his hand. Thereafter, Accused no.2) Akash Waghale and others assaulted the complainant and his friend Chirag by kick and fist blows. While complainant and his friend Chirag were running away, the Accused no.1) Pratik inflicted blow of scythe on head of Chirag. Applicant/Accused Narayan had thrown the scythe against the complainant. All Accused were shouting and abusing loudly. It is the case of the Orig. Complainant/Informant that the Accused damaged Bullet motorcycles of the complainant and Vagon R car parked near said spot. After the incident Rutwik Sasane lodged report in Loni Kalbhor Police Station. District : Pune. Accordingly CR. No. 592/2020 for offences punishable under Sections 307, 427, 143, 147, 148, 149, 504, 506, 188 of Indian Penal Code and Sections 4, 25 of Arms Act and under Section 37(1), (3) read with 134 of Maharashtra Police Act and under section 2, 3 and 4 of Epidemic Disease Act on 07.08.2020 against the present Applicant and co-accused.”

4. Mr. Parmar, learned Counsel appearing for the Applicant states that there are total seven Accused, out of which, six Accused persons have been arrested and one is absconding. He states that out of six Accused who have been arrested, five Accused have been

granted bail and only the present Applicant is incarcerated. It is the submission of Mr. Parmar, learned Counsel appearing for the Applicant that the Applicant has been arrested on 15th October 2020 and till date even the case is not committed. He submitted that role attributed to the present Applicant is that he assaulted the injured with a *koyta* on his head. However, it is submitted that the FIR shows that the injury is not on the head but to the left hand. He pointed out the Injury Certificate which is at page 84. He submitted that as the Applicant is incarcerated for about 3 years and 10 months and as there is no progress in the trial, the Applicant be enlarged on bail.

5. On the other hand, Mr. Nakhwa, learned APP appearing for the Respondent-State strongly opposed the Bail Application. He pointed out various averments in the affidavit-in-reply of Mr. Vishnu Deshmukh, Police Sub-Inspector, presently attached to Loni Kalbhor Police Station, Pune City, District-Pune. He submitted that the Applicant has assaulted the injured with a *koyta*. He submitted that main role is attributed to the Applicant. He submitted that there are three antecedents against the present Applicant and therefore, the Bail Application be rejected.

6. As far as the antecedents are concerned, Mr. Parmar, learned Counsel appearing for the Applicant states that the Applicant has been released on bail in these antecedents.

7. Perusal of the record shows that in the present case, the incident in question occurred on 6th August 2020, F.I.R. was lodged on 7th August 2020, the Applicant was arrested on 15th October 2020 and, Charge-sheet was filed on 24th November 2020. There is no progress in the trial and even the case has not been committed to the Sessions Court. As per the Charge-sheet, there are 15 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. The affidavit-in-reply shows that there are three antecedents. The details of the same are reflected on page 137. The details of the antecedents are as follows:

Name of Police Station	C.R. No.	Sections	Case Status
Hadapsar Police Station	292/2018	427, 141, 142, 143, 147, 148, 149 of IPC	Court Pending
Hadapsar Police Station	1429/2020	3(25), 4(25) of Arms Act and 37(1)(3) of MPA	Court Pending

Kondhwa Police Station	243/2020	326, 323, 504 r/w 34 of IPC.	Court Pending
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9. Mr. Parmar, learned Counsel appearing for the Applicant states that insofar as antecedents are concerned, the Applicant has been granted bail in all the cases.

10. However, as all the antecedents are from District Pune and most of the witnesses in this case are from District-Pune, Mr. Parmar, learned Counsel appearing for the Applicant states, the Applicant will therefore not reside within District – Pune and that the Applicant will reside at C/o. Mr. Tushar Patil, Ravgaon, Karjat Road, Karmala, District-Solapur.

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

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

13. In view thereof, the following order:-

ORDER

- (a) The Applicant - Narayan Vishwanath Puri be released on bail in connection with C.R. No.592 of 2020 registered with the Lonikalbhor Police Station, District - Pune on his furnishing P.R. Bond of Rs.50,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter the Pune district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (c) 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.
- (d) The Applicant shall report to the Karmala Police Station, District - Solapur once every week, on every Sunday between 11:00 a.m. and 1:00 p.m. till the conclusion of the trial. The Police Inspector of Karmala Police Station, District – Solapur to

communicate details thereof to the Investigating Officer.

- (e) 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.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

14. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]