

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3422 OF 2024

Sameer Kisan Sawant ... Applicant
V/s.

The State of Maharashtra ... Respondent

WITH

CRIMINAL BAIL APPLICATION NO.2880 OF 2024

Jayesh Shankar Shinde ... Applicant
V/s.

The State of Maharashtra ... Respondent

Digitally
signed by
VARSHA
DEEPAK
GAIKWAD
Date:
2024.08.20
13:47:34
+0530

Mr. Sachin Deokar, for the applicant in BA/3422/2024.

Mr. Shailesh Chavan, for the applicant in BA/2880/2024.

Ms. Geeta Mulekar, APP, for the Respondent/State.

Mr. Vijay Vinayak Rahatekar, Police Hawaldar, Present.

CORAM : ANIL S. KILOR, J.

DATE : 19TH AUGUST, 2024.

PC:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.497 of 2023, registered with Khed Police Station, Pune District, for the offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal

Code r/w Sections 4/ 24 of Indian Arms Act.

3. In the present matter the allegations against all the accused persons are the same. It is alleged that some sticks and weapons were used by the accused for assaulting the son of complainant. Nothing is recovered from the Applicant. The recovery of clothes is made but no blood stains were found on clothes.

4. Learned APP strongly opposed the the application and submitted that injuries were grievous and the injured has not yet been recovered completely. It is pointed out that he is still unable to speak.

5. Having considered the fact that Applicant is in jail from last one year and charge sheet is filed, further more, the fact that nothing is recovered from the Applicant, I am of the opinion that further custody of the Applicant is not necessary. He is entitled to be released on bail.

6. Having considered the fact that the applicant is in jail from last 11 months. Furthermore, though the recovery of sickle is there, it was after three months of the incident. In the present matter the charge-sheet has been filed after the investigation is completed. Furthermore, there is no eye-witness to the incident.

7. In the circumstances, I am of the opinion that further custody of the applicant is not necessary and as such he is entitled for grant of bail. Accordingly, I pass the following order:

ORDER

- (i) Criminal Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.497 of 2023 registered with Khed Police Station, District Pune, for the offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code r/w Sections 4 and 25 of Maharashtra Arms Act, on furnishing P.R.Bond of Rupees Fifty Thousand with one solvent surety in the like amount;
- iii) The applicant shall attend Khed Police Station, District Pune, on 1st and 16th day of every month, till conclusion of trial;
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence;
- vi) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S. KILOR, J)