

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2943 OF 2015.

**SATISH S/O CHANDRABHAN SHELKE.
VERSUS
THE STATE OF MAHARASHTRA.**

Appearance =>

Mr. Narayan B. Narwade, Advocate for the Applicant.

Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 1st July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No. I 145/2015 registered with Police Station, Rahuri, Taluka – Rahuri, District– Ahmednagar for the offences punishable under Section/s 307, 341, 147, 148, 149 of the Indian Penal Code and under Section 3(2)(V) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 3 read with 25 of Arms Act and under Section 37(1) (3), 135 of the Bombay Police Act.

[2] Heard Mr. Narayan B. Narwade, learned counsel for the Applicant and Mr. U.S. Mote, learned Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged by Chandrakant @ Himmat Abhimanyu Jadhav. His report would disclose that he resides at village Walan Pimpri, Taluka Rahuri, District – Ahmednagar. Though he is not actively participating in the village politics however he supports one group; resulting into he has enemy from the other group.

[4] First Information Report further states that on 23rd April, 2015 when he alongwith his friend had been to Rahuri for distribution of marriage invitation cards and after returning at 11.00 p.m. when they came in the vicinity of village Manori, in front of Srinath Milk Dairy, their vehicle was intercepted by co-accused Mahesh and one unknown person. That time, present Applicant, Raju Chimaji Shete, Suresh Khule and other accused came and they abused and assaulted him. First Information Report further states that, that time, co-accused Mahesh Vilas Kolse opened fire from his revolver. Accused Aaba Warkhede also fired from his revolver.

[5] Injury certificate is available on record. Injury certificate of Chandrakant shows that there are two injuries and both are attributable to the gun shot. There are no other injury appearing on his person. Even according to the First Information Report, present Applicant is not responsible for those gun shots. For that he has specifically taken the name of Mahesh and Aaba. It is pointed out to this court that Raju and Suresh, whose role is at par with present Applicant are already released on anticipatory bail, by the learned trial court.

[6] Looking to the fact that, accusation against the present Applicant is of only giving abuses and some assault, which is not corroborated by any medical evidence, the Applicant, who is in jail since 25th April, 2015 is entitled to be released on bail however, by imposing certain conditions. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - SATISH S/O CHANDRABHAN SHELKE shall be released on regular bail on he executing PR. Bond of Rs.50,000/- [Rs. Fifty Thousand.] with two solvent sureties in the like amount, in connection with CR No. I 145/2015 registered with Police Station, Rahuri, Taluka – Rahuri, District– Ahmednagar for the offences punishable under Section/s 307, 341, 147, 148, 149 of the Indian Penal Code and under Section 3(2)(V) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 3 read with 25 of Arms Act and under Section 37(1) (3), 135 of the Bombay Police Act.

(iii) Bail before trial court.

(iv) The Applicant shall attend Police Station, Rahuri, Taluka – Rahuri, District– Ahmednagar twice in a week, preferably on every Sunday and Tuesday between 10.00 a.m. to 3.00 p.m., till charge-sheet is filed.

(v) After filing of the charge sheet, the Applicant shall visit the Police Station, Rahuri, Taluka – Rahuri, District– Ahmednagar once in fortnight, preferably on every Sunday, between 3.00 p.m. to 5.00 p.m., till Charge is framed by the court below.

(vi) The Applicant shall not in any way tamper with the prosecution witnesses nor extend any threat to the prosecution witnesses.

(vii) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)