

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3152 OF 2015
[Avinash s/o Bhimraj Kakade Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri N.V.Gaware, advocate for applicant
Shri U.S.Mote, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 2nd July, 2015

PER COURT :-

- 1] This is an application for regular bail.
- 2] Applicant is arrested in connection with Crime No.399 of 2014, registered at Pathardi police station, District Ahmednagar, for the offences punishable under Sections 307, 143,147, 148,323, 504, 506 of the Indian Penal Code and under Sections 37(1)(3)/135 of the Bombay Police Act.
- 3] I have heard Shri N.V.Gaware, learned counsel for the applicant and Shri U.S.Mote, learned Additional Public Prosecutor for the respondent/State.
- 4] The investigation is complete and charge sheet is already filed. The first information report is lodged by injured Ravindra Mhaske himself. According to the first information report, it is clear that a long standing political dispute was going on in between present applicant and the first informant.
- 5] At the relevant time, the first informant was Upsarpanch of village Koradgaon and prior to two years the wife of the present applicant was Sarpanch and in a Grampanchayat election son of the present applicant Shashikant contested the election from the said panel,

however, he lost the election. Present applicant was nursing grudge, since the first informant has not extended help, that has resulted into defeat of the son of the present applicant.

6] The first information report further states that on 23.12.2014 at 9 O' clock in the morning when the first informant was at Maroti temple that time present applicant and other co-accused persons assaulted on him by fist and kick blows. That time, present applicant gave dash to his Indica car resulting into causing fracture to the first informant. What is important to note is that in the first information report, it is stated that the persons gathered there smashed the window panel of the said car.

7] Learned counsel invited my attention to the spot panchanama. The said panchanama is totally silent about noticing the pieces of glasses of the window panel of the said Indica car. Further, the learned counsel invited my attention to the notings of the Kalamkar hospital, wherein the first informant took medical help and treatment. It shows that he received injury in an accident.

8] Looking to the long standing political rivalry, prima facie, false implication of the applicant cannot be ruled out. Further, investigation is already over. All the co-accused are released on bail. The applicant can be released on bail by imposing certain stringent conditions upon him. Hence, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) Applicant-Avinash Bhimraj Kakade be released on bail on he executing P.R. bond of Rs.25,000/- with two solvent sureties in the like amount, in connection with Crime No.399 of 2014, registered at Pathardi police station, District Ahmednagar, for the offences punishable under Sections 307, 143,147, 148,323, 504, 506 of the Indian Penal Code

and under Sections 37(1)(3)/135 of the Bombay Police Act.

(iii) Bail before trial court.

(iv) The applicant shall not tamper with the prosecution evidence.

(v) The applicant shall not extend any sort of threat to the first informant nor shall try to contact him in any way whatsoever.

(vi) The applicant shall attend police station Pathardi, District Ahmednagar once a week, preferably on every Sunday between 3.00 p.m. to 5.00 p.m. till charge is framed.

(V.M.DESHPANDE, J.)

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