

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1144 OF 2015**

Yogesh Ashok Mane	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 715 OF 2015
IN
CRIMINAL BAIL APPLICATION NO. 1144 OF 2015**

Raju Madhukar Bhosale	...Intervener
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IN THE MATTER BETWEEN :

Yogesh Ashok Mane	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ashok P. Mundargi with Ms. Shradha Sawant for the Applicant

Ms. S. D. Shinde, A.P.P for the Respondent-State

Mr. Madhukar Janardan Bhosale on behalf of the Complainant

Dy. S.P Mr. T. L. Kakade from Akluj Police Station is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 26TH OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant. Mr. Madhukar Janardan Bhosale is present on behalf of the complainant. The Counsel for the complainant is absent. Heard learned A.P.P for the State at length.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 229 of 2014 registered with the Akluj Police Station, Solapur, for the alleged offences punishable under Sections 302, 143, 147, 148, 149, 120B, 201 and 109 of the Indian Penal Code.

3. The incident in question has taken place on 20th November, 2014 at about 7:45 p.m. It is alleged by the complainant Raju Bhosale that when he was passing through Vijay Chowk, he saw Pravin Bhosale, Ganesh Bhosale, Sadashiv Bhosale and five to six unknown persons assaulting his cousin Rahul Bhosale with sticks, sickles and swords. Pursuant to the said assault, the deceased succumbed to the said injuries on the spot.

4. Learned Senior Counsel for the applicant submits that the applicant has not been named in the FIR and nor is he amongst the 5 to 6 unknown persons mentioned in the FIR. He submits that the only allegation *qua* the applicant is that a pulsar motorcycle which was used in the commission of the offence was picked up by him from Sagar and

delivered to Kunal. He further submits that apart from the said material, there is no other material to connect the applicant with the alleged offence.

5. Learned A.P.P submitted that although the applicant has not been named in the FIR, nevertheless, it is revealed in the course of the investigation, that the applicant was aware of the incident and had abetted the accused in the commission of the offence. She relied on the statement of Sagar Gorge to show that the applicant had picked up the Pulsar motorcycle from him and delivered it to Kunal. On instructions, she states that there are no antecedents *qua* the applicant.

6. Perused the charge-sheet. Admittedly, the applicant has not been named in the FIR nor is he alleged to be amongst the 4 to 5 unknown persons mentioned in the FIR. The role alleged against the present applicant is that he picked up the motorcycle after the commission of the offence from Sagar and delivered it to Kunal. Perused the statement of Sagar Gorge. According to the said statement, the applicant is stated to have taken the said vehicle after two days i.e. on 22nd November, 2014

from him and delivered it to Kunal thereafter. Investigation is complete and charge-sheet is filed. There are no antecedents *qua* the applicant.

7. Considering the nature of allegations and the role of the applicant in the present case, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. for a period of 12 months from the date of his release;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the

Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. In view of the above order, the intervention application being Criminal Application No. 715 of 2015 does not survive. The same stands disposed of accordingly.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.