

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.219 of 2015
IN
CRIMINAL APPEAL NO. 221 OF 2015**

Pradip @ Somnath Gulab Kute and anr. ..Applicants.

versus

The State of Maharashtra,
Through Haveli Police Station. ..Respondent.

.....
Mr. A.P. Mundergi i/by Sagar A. Joshi, Advocate for the Applicants.
Mr. H.J.Dedia, APP. for the State.

.....
**CORAM : SMT V.K. TAHILRAMANI, Acting C.J.&
A.S. GADKARI, J.**

8th October, 2015.

P.C. :

Heard learned counsel for the applicants-original
accused Nos 1 and 2 and the learned A.P.P. for the State.

2) Both the applicants are convicted under Section 302,
452 read with 34 of the Indian Penal Code. The applicants are
now seeking bail.

3) The prosecution has placed reliance on the evidence
of P.W.No.1 Laxmi. Laxmi is the sole eye witness who has been
examined by the prosecution in this case. Laxmi has stated that
the incident occurred on 28.9.2008 at about 10.00p.m. She saw
four persons breaking gate of her premises. These four persons

were accused before the court. These persons were armed with wooden log and iron bars. With these weapons they have assaulted her husband on the back and head. Her husband sustained bleeding injuries on his face, head and back and he fell down. The accused persons then ran away. However, it is seen that Laxmi has admitted that she was well acquainted with accused Nos. 1 and 2. She has further admitted that she has not mentioned the names and description of the accused persons while lodging the FIR.

4) Looking to the fact that though according to the Laxmi she knew the accused persons and she witnessed the incident, yet, in the FIR she has not named any of the applicants as the actual assailants and looking to the fact that the applicants are on bail during the trial and they have not misused the liberty granted to them, we are inclined to grant bail to the applicants. Hence, the following order.

ORDER

- a) Each of the applicants to be released on bail in the sum of Rs.30,000/- with one surety to make up the said amount.
- b) During the period that the applicants are on bail, they are directed to report to Haveli Police Station, Pune once in two

months i.e. on the 1st day of every alternate month.

c) Application is allowed in the above terms.

(A.S. GADKARI, J.)

(ACTING CHIEF JUSTICE)

CERTIFICATE

Certified to be true and correct copy of the original
signed Judgment/order.