

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 876 OF 2015

Sachin Baban Kamble	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Amar Kale i/b. Mr. Prashant S. Hagare, Advocate for the applicant.
Mr. S.S. Pednekar, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 10, 2015**

P.C.:

This Application is moved for bail, as the applicant/accused is prosecuted for the offences punishable under sections 302, 323 r/w. 34 of the Indian Penal Code in C.R. No. 590 of 2014 registered with Baramati City Police Station, District Pune. The FIR was lodged at the instance of Parvati Balu Dhotre on 24th December, 2014.

2. It is the case of the complainant that on 22nd December, 2014 she received a phone call that her son Anil is injured and lying on the road. When she went there, she found her son lying in a pool of blood. He was shifted to the hospital. The complainant noticed number of blood injuries on his body. He breathed last on 23rd December, 2014 and thereafter she gave complaint.

3. It is the case of the prosecution that applicant/accused along with co-accused assaulted the complainant's son Anil with fist blows and kicks and also with iron rod on suspicion that he stole the cell phone and Rs.150/- of Avinash Jadhav.

4. The learned counsel for the applicant/accused submitted that in this case, there is no evidence against the applicant/accused.

5. Perused the record and the statement of witnesses in the charge sheet. From the postmortem report, it is found that complainant's son Anil died due to head injury and there were injuries on his person. Thus, it is a case of murder. However, the statement of the witnesses is of hearsay evidence, which is not admissible in law. Though the learned APP opposed the Application, considering the quality of evidence, *prima facie*, the applicant/accused is released on bail on the following terms and conditions:

ORDER

- (i) The Application is allowed.
- (ii) The applicant/accused shall be enlarged on bail upon furnishing P.R. Bond in a sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the evidence and

shall not pressurize the witnesses.

(iv) The applicant shall not indulge into any criminal activity, while on bail.

(v) The applicant shall make himself available and attend all the Court dates.

(vi) The applicant/accused shall not abscond and furnish his address to the police along with address proof.

(vii) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

(viii) The applicant shall not leave India without the prior permission of the Court.

6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)