

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.944 OF 2015

Sachin Lahu Adagle	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Vipin Bidkar, for the Applicant.
Mr. S.S. Pednekar, APP for Respondent – State.
IO. Mr. S.D. Bhalekar (ASI), Bharti Vidyapeeth police station,
Pune present.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 28, 2015

P.C.:

. The application is moved for bail as the applicant/accused is facing charges for the offences punishable under Sections 143, 145, 147, 148, 302, 395, 506(ii) and 120(B) of the Indian Penal Code and Section 3 read with 25 of Arms Act and Section 37(1) read with 135 of the Bombay Police Act in C.R. No. 269 of 2014 registered with Bharati Vidyapeeth police station, Pune.

2. One Sanjay More gave information to police that he was working as a driver with the deceased Parshuram @ Aaba Jadhav. On 20th June, 2014 he along with the deceased and others were called by

the co-accused Bala Choudhari on the pretext of showing some land. When they reached on the spot, at that time co-accused Bala Choudhari asked his associates who were around the spot. At that time, suddenly a man fired at the deceased. Other two persons who were also armed with weapon fired towards Aaba Jadhav who immediately collapsed and died on the spot. The assailants and Bala Choudhari snatched the cell phones of the complainant and his friends and then they fled away. The applicant/accused thereafter was arrested on 25th June, 2014. Hence, this bail application.

3. The learned counsel for the applicant/accused has submitted that there is no evidence against the applicant/accused. In the T. I. parade also neither the applicant/accused is identified nor there is any recovery of any articles/weapons from him. The learned counsel for the applicant/accused has submitted that he was arrested only at the instance of the statement made by the co-accused which is not admissible in evidence. Therefore, he prayed for bail.

4. The learned prosecutor has opposed the application. However, he was asked to show specific evidence against the

applicant/accused. He relied on the arrest panchanama and the statement of the co-accused involving the applicant/accused.

5. Considering the nature of the evidence and the admissibility of the said evidence, though it is a case under Section 302 of the Indian Penal Code, as the applicant/accused was not identified and nothing incriminating was recovered from him, I am inclined to grant bail to the applicant.

6. Hence, I grant bail as under:

- a) The applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 40,000/- with one or two solvent surety/s in the like amount;
- b) He shall not jump the bail and not to indulge in any other criminal activity or pressurize the complainant.
- c) He shall attend the Court dates regularly.

7. The application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)