

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1100 OF 2015

Prashant Limbaji Waghware	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Ms. Anjali Patil, Advocate for the applicant.
Mr. D.P. Adsule, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 3, 2015**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges under section 302 r/w. 34 of the Indian Penal Code in C.R. No. 321 of 2013 registered with Warje Malwadi Police Station, Pune. The incident has taken place on 28th December, 2013. Suraj's father was informed that his son was assaulted by some boys, therefore, he went there and found that his son was dead. Number of injuries were found on his body. So he gave information to the police on the same day, i.e. 28th December, 2013. The applicant was arrested on 30th December, 2013. Hence, this Bail Application.

2. The learned counsel for the applicant/accused has submitted that as per the case of prosecution, the applicant/accused has arrived with the co-accused where deceased Suraj was standing with his friends. He submitted that accused Datta Kamble and Nilesh Gaikwad are the

persons who were active and they assaulted Suraj. No specific role is attributed to the applicant/accused. The learned counsel submitted that there are no antecedents and applicant/accused is a young boy of 22 years old.

3. Learned APP opposed the Application, as it is case under section 302. He relied on the postmortem report where 22 injuries are mentioned and the cause of death is due to head injury.

4. Perused the FIR and the statement of witnesses like Sunil Gunjal, Santosh Bhosale, Prashant Sholke, who were friends of deceased and were present when applicant/accused along with Nilesh Gaikwad and Datta Kamble arrived at around 7.40 p.m. The statement reveals that *prima facie* the applicant/accused though was present along with co-accused, he ran along with other accused after Suraj. Suraj was assaulted by Datta and Nilesh. No specific role is attributed to the applicant/accused. Considering the period the applicant is inside the prison December, 2013 and there is no criminal antecedents against the applicant/accused and as he is a young boy of 22 years old, I am inclined to grant bail to the applicant/accused 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.
- (iv) The applicant shall not indulge into any criminal activity, while on bail.
- (v) The applicant shall not stay within the jurisdiction of Pune City for 9 months except attending Court.
- (vi) The applicant shall make himself available and attend all the Court dates.
- (vii) The applicant/accused shall not abscond and furnish his address to the police along with address proof.
- (viii) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
- (ix) The applicant shall not leave India without the prior permission of the Court.

5. The Application stands disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)