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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1305 OF 2015

Vaibhav Hanmant Gade	..Applicant.
Vs.	
The State of Maharashtra	..Respondent

**WITH
BAIL APPLICATION NO.1425 OF 2015**

Sachin Prakash Gade	..Applicant.
Vs.	
The State of Maharashtra	..Respondent

Mr. V.V. Purwant for Applicants.
Mr. H.J. Dedhia, APP for Respondent-State.

CORAM: A.S. GADKARI, J.

DATE : 26th August 2015.

P.C.

1 The applicants have preferred this applications for releasing them on bail under Section 439 of Cr. P.C. in C.R. No.53 of 2015 dated 6th March 2015 registered at Satara Taluka Police Station under Sections 307 and 323 read with Section 34 of Indian Penal Code.

2 The first information report is lodged by one Tushar Bodke, the cousin brother of injured Dipak Bodke. In the first information report the names of the applicants have been mentioned and the role ascribed to them is assault by fist and kick blow to victim Dipak Bodke. The statement of victim Dipak Bodke discloses that on 6th March 2015, Dipak had a quarrel with Ulhas Bondve wherein the accused no.1 Kartik Nikam tried to separate it. Thereafter, when Dipak was returning to the village at that time at the border of the village the applicants accosted and questioned him about the quarrel which had taken place earlier with Ulhas and Kartik. The injured has further stated that when the said quarrel was going on somebody came from behind and inflicted a blow of knife on his back. After the said event took place, the victim Dipak saw Kartik on the spot. It is the further case of the victim Dipak that the applicants thereafter gave kicks and fist blows and ran away.

3 There are two medical certificates issued by the Medical officers for the injuries caused to the Dipak. The victim Dipak was initially examined by the Medical Officer from the Primary Health Centre on 6.3.2015 at about 6.50 p.m. wherein it was noticed that there was a wound over the back of injured as has been mentioned and the size of the said wound is also mentioned. The endorsement put up by the Medical officer

on the said medical certificate discloses that the injured, against the medical advise sought discharge within a period of 10 minutes of admission and left the hospital. The record further discloses that the victim thereafter admitted himself with Satara Hospital and Research Centre. The medical certificate issued by the said Centre discloses that one wound on the back which is a grievous wound and the cause of the injury as has been mentioned by hard and sharp object.

4 It appears that during the quarrel between the applicants on one side and the victim Dipak on other side the original accused no.1 Kartik all of a sudden appeared on the scene of offence and inflicted a blow by sharp edge weapon on the back of victim Dipak. It prima facie appears that the applicants herein do not share the common intention on that count with accused Kartik.

5 The learned APP at this stage points out that the weapon used in the crime i.e. a knife was recovered at the instance of applicant-Sachin Gade under a panchanama dated 12.9.2015. The another witness namely Ravindra Mane has stated that after the incident Kartik came to him along with Sachin and he entrusted the weapon used in the crime to Sachin. The said weapon used in the crime has been discovered at the instance of Sachin Gade. In view of the discovery panchnama at the instance of Sachin

thereby leading to recovery of the weapon namely knife, demonstrates that Applicant- Sachin Gade knowingly concealed the said weapon at the instance of accused no.1-Kartik. In my considered opinion the role played by Sachin in concealing the weapon used in the crime at the instance of accused no.1-Kartik disentitles him from being released on bail. Criminal Application No.1425 of 2015 preferred by Sachin is therefore rejected.

6 As far as Vaibhav Hanmant Gade is concerned, it appears that Vaibhav did not share any common intention at the time of crime in question with accused no.1 Kartik and therefore he is entitled to be released on bail.

7 In view of above, the following Order:

(I) Criminal Bail Application No.1425 of 2015 preferred by Sachin Prakash Gade is hereby rejected;

(II) Criminal Application No.1305 of 2015 preferred by Vaibhav Hanmant Gade is allowed;

(III) Vaibhav Gade be released on bail in C.R. No.53 of 2015 registered with Satara Taluka Police Station on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;

(IV) Applicant-Vaibhav Gade shall attend Satara Taluka Police Station once in a month during the pendency of trial on every Saturday of the 1st

week of the month.

(V) Applicant-Vaibhav Gade shall not tamper with the evidence or prosecution witnesses.

8 Both the Applications are disposed off in the above terms.

(A.S. GADKARI,J.)