

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1356 OF 2015

Dhananjay Raghunath Pawale ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.S.H. Deokar for the Applicant
Mr.J.H. Ramugade, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 24, 2015**

P.C.:

1. The application is moved for bail as the applicant/accused is facing charges under sections 302, 143, 147, 148, 149 of the Indian Penal Code and under section 135 of the Mumbai Police Act. The offence was registered at C.R. No.13 of 2015 with the Khed police station, Pune. It the case of the prosecution that one Ganesh Waghmare was killed by the applicant/accused and the co-accused. As per the case of the prosecution, the incident has taken place on 12.1.2015 at around 8pm at the ST stand of Rajgurunagar, Khed, District Pune, when the deceased snatched a purse of one lady by name Rakhi Hande at the ST stand. At that time, a mob gathered there, assaulted the thief Ganesh with kicks and fist blows and left him there only. Ganesh succumbed to the injuries and died on the spot. The applicant was arrested on the next date i.e. 13.1.2015.

2. The learned Counsel for the applicant/accused submitted that the applicant is falsely implicated. The witnesses who have taken the name of the applicant, are not the eye witnesses but he is implicated on the basis of hearsay evidence. He relied on the order passed by this Court dated 8.7.2015 granting bail to the accused Nos.6 and 8, who are also attributed the same role.

3. The learned Prosecutor while opposing the application relied on the statements of the witnesses. He has submitted that the case is under section 302 of the Indian Penal Code.

4. Perused the FIR and the statements of the witnesses. No specific role is attributed to the applicant/accused. This Court has already granted bail to accused Nos.6 and 8, who are also attributed same role of kicking the deceased with kicks and fist blows. It appears that the incident has taken place due to mob frenzy. It was not a premeditated crime though a person has lost his life. In the circumstances of the case, the applicant/accused is granted bail on the following conditions:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/-, with one or two sureties in the like amount;

- ii) The applicant shall not tamper with the evidence or pressurise the witnesses;
 - iii) The applicant shall not indulge into any kind of offence while on bail;
 - iv) In the event the applicant/accused changes his address, he shall furnish his new address with contact numbers to the Investigating Officer;
 - v) The applicant shall attend on all the Court dates.
5. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)