

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1570 OF 2015

- | | |
|------------------------------|-------------|
| 1. Sagar Bharat Pande | .Applicants |
| 2. Dhiraj Ankush Kolate | |
| 3. Ganesh Deepak Kolate | |
| 4. Sukhadev Kundlik Kolate | |
| 5. Suraj Bhimrao Bahirat | |
| 6. Vibhav Chandrakant Kolate | |
| 7. Akshay Balu Kharat | |
| 8. Prashant Tanaji Kolate | |
| 9. Sachin Popat Jadhav | |

v/s.

The State of Maharashtra .Respondent

Mr.Niranjan Mundargi i/b. Mr.H. Akolkar,
Advocate, for the Applicants
Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 06.10.2015

P.C.

. Heard learned counsel for the
applicants and the learned APP for the
respondent – State.

2. By this application, the applicants
seek their enlargement on bail in connection

with C.R.No.46 of 2015 registered with the Jejuri Police Station, Pune, for the alleged offences punishable under Sections 143, 147, 148, 149, 323, 504, 506, & 302 of the Indian Penal Code.

3. The complainant is one Navnath Suresh Yadav. He has alleged in the FIR lodged on 30.03.2015 that his brother, Sagar Yadav had informed him on his mobile on 29.03.2015 that he was assaulted by one Mayur Ganpat Yadav and others on the previous day i.e. on 28.03.2015. He has further stated that he asked his brother Sagar to go and lodge a complaint with the Jejuri Police Station, Pune, which Sagar is stated to have done. He has further alleged that thereafter Sagar returned home. According to the complainant, he along with Sagar and their friends i.e. about 19-20 persons went towards village Pisarve on motor cycles. All of them are

stated to have been armed with wooden logs, sticks and iron rods. The complainant has stated that they entered the house of Yogesh Kolate and assaulted the parents of Yogesh Kolate. Pursuant to the said assault, it is alleged that Yogesh Kolate and his friends from the village came and started assaulting the complainant-Navnath and others with sticks and fist and kick blows and in the said incident, one Rajendra Khengare died.

4. Learned counsel for the applicants submits that with respect to the same incident, Sadashiv Vitthal Kolate had also lodged a complaint, which was registered vide C.R.No.45 of 2015 as against the complainant and 20 others, including the deceased. Learned counsel for the applicants submitted that a perusal of column 17 of the post mortem report of the deceased shows, that the deceased had received

an abrasion over the 1st and 2nd toe of the right leg. He submitted that apart from the deceased Rajendra Khengare, none of the persons received any injury. The learned counsel submits that the complainant and his friends, including the deceased were the aggressors and had come to Yogesh Kolate's home, armed with weapons and had assaulted his parents. He submits that almost all the applicants are students, who are alleged to have retaliated to the assault and that too with fist and kick blows.

5. Learned APP states that as far as cause of death is concerned, opinion is reserved and viscera preserved. He submits that all the applicants have been named in the FIR.

6. Perused the charge-sheet, in particular, the statement of the complainant and the post mortem report. Column 17 of the

post mortem report, reflects that the deceased had received an abrasion over the 1st and 2nd toe of the right leg. The probable cause of death shown is 'opinion reserved viscera preserved'. Considering the nature of injury sustained by the deceased and the manner in which the alleged incident has taken place and the fact that investigation is complete and charge-sheet is filed, the applicants are enlarged on bail on the following terms & conditions:

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) The applicants to cooperate with the conduct of the trial.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.