

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

BAIL APPLICATION NO.1621 OF 2015

Sajjan Raghunath Waghmare

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Vikas B. Shivarkar for the Applicant

Mr. Rajesh More, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE :4th DECEMBER, 2015.

P. C. :

This is a bail application filed by the aforesaid Applicant, who is an accused No.14 in Sessions Case No.29 of 2015 pending on the file of Additional Sessions Judge, Khed-Rajgurunagar. The said case arises from C.R. No.10 of 2015 registered with Chakan Police Station, Pune (Rural) for the offences punishable under section 143, 147, 148, 149, 506 and 302 of the IPC and sections 4 and 25 of the Indian Arms Act.

2. Mr. Shivarkar, the learned counsel for the Applicant has submitted that the name of the Applicant is not disclosed either in the

FIR or in the statements of the witnesses. He has further submitted that the material on record does not prima facie show the involvement of the Applicant in commission of the said crime.

3. The learned APP submits that the statement of the co-accused shows the involvement of the Applicant in commission of the said offence.

4. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The records prima facie reveal that on 8.1.2015 at about 7.30 p.m. at Chakan, one Vinod (the deceased) and the complainant Maruti Vitthal Kalwade had gone to one furniture shop. At which time one Santosh Thakur, who had come alongwith co-accused Kailas Bhokase, Ravindra Kedari, Ganesh Satpute and 10 to 12 other persons had come near the said shop. Said Santosh had entered into the office of the Vinod at about 7.30 p.m. Thereafter said Santosh and Vinod came down and while he was talking to two unknown persons, Kailas Bhokase assaulted Vinod and inflicted blow of sickle on the head of Vinod. As a result of which said Vinod sustained injury. Statement of the complainant further reveals that said Kailash had threatened the complainant to cause his death hence, he moved away from the place

of the incident. After the assault he returned to the place of the assailants and found said Vinod had expired.

5. The FIR on record does not reveal the name of the Applicant. The post mortem report indicates that the said Vinod had expired due to head injury. The prosecution had not made any attempts to establish the identity of the assailants by holding ID parade.

6. Considering the above facts, in my considered view the Applicant is entitled for bail. Hence, the application is allowed on the following terms and conditions:-

(i) The Applicant is ordered to be released on bail on furnishing PR bond of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties in the like amount to the satisfaction of Sessions Judge, Khed-Rajgurunagar.

(ii) The Applicant shall attend the Sessions Court, Khed-Rajgurunagar, on each and every date of the hearing of the case.

(iii) The Applicant shall not interfere with the complainant or the witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)