

Anand

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

BAIL APPLICATION NO.1680 OF 2015

Jagdish Shrimant Shivker .Applicant

v/s.

The State of Maharashtra .Respondent

WITH

BAIL APPLICATION NO.1684 OF 2015

Kiran Dattu Kamble .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.S.Bhosale, Advocate, for the Applicants in
both matters

Ms Veera Shinde, 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 these applications, the applicants

seek their enlargement on bail in connection with C.R.No.230 of 2013 registered with the Sahkarnagar Police Station, Pune, for the alleged offences punishable under Sections 307, 143,144, 147, 148, 149, 341, 120B, 506(2) of the Indian Penal Code, under Section 3, 4(25) of the Arms Act and under Sections 37(1), (3) r/w.135 of the Bombay Police Act.

3. The complainant is one Kaustubh Rajendra Deshmukh, the son of the injured, who has lodged the complaint as against unknown persons.

4. Learned counsel for the applicants states that a perusal of the statement of the injured, Rajendra Deshmukh shows that he has not disclosed the names of the present applicants in his statement. He submits that although there is some reference to unknown persons in the

statement of Rajendra Deshmukh, no identification parade has been held. He further submits that there is no recovery qua the applicants nor is there any material in the form of last seen or motive against them.

5. Learned APP states that despite sending a message, no investigating officer is present today. It may be noted that the matter was heard yesterday and was kept today for taking instructions. However, the investigating officer is not present today. She states that both the applicants have one antecedent each.

6. Perused the papers. It appears that the applicants have not been named by the injured Rajendra Deshmukh; that no Identification Parade has been held; there is no recovery qua the applicants; nor has the learned APP pointed out any material to show the complicity of the

applicants in the present case.

7. Considering that there are antecedents as against the applicants, stringent conditions can be imposed. Accordingly, the applications are allowed. The applicants are enlarged on bail on the following terms and conditions:

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;

(ii) The applicants shall attend the Sahkarnagar Police Station, Pune on the 1st Saturday of every month between 10.00 a.m. to 12.00 noon till the conclusion of the trial;

(iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall inform their latest place of residence and mobile contact

number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

8. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

9. 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.