

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1336 OF 2015

Shakti Uttam Badekar .Applicant

v/s.

The State of Maharashtra .Respondent

Mrs.Pranali P. Kakade i/b. Mr.Subhash Hulyalkar,
Advocate, for the Applicant

Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 29.09.2015

P.C.

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

2. By this application, the applicant
seeks pre arrest bail in connection with C.R.No.
65 of 2015 registered with the Loni Kalbhore
Police Station, Pune(Rural), for the alleged
offences punishable under Sections 302, 329,
341, 143, 147, 148, 149, 109, 201, 506 of the
Indian Penal Code, 1870, under Section 4(25) of

the Arms Act and under Section 37(1)(3) r/w.135 of the Bombay Police Act.

3. The incident in question has taken place on 28.02.2015 at 9.45 a.m.. According to the prosecution, all the co-accused formed an unlawful assembly and assaulted the deceased Chaitanya Namdeo Gavali. The alleged motive is stated to be the friendship of Chaitanya Namdeo Gavali with one girl Sanika Kulkarni, whom the juvenile accused Pranav Ransingh loved, although it was one sided love. It is alleged that on 23.02.2015 some of the co accused had threatened the deceased and even assaulted him. On 28.02.2015, the co accused in the said case are alleged to have assaulted the deceased with gupti, sword, sickle etc..

4. Vide order dated 07.09.2015, learned APP was directed to verify the presence of the

applicant on the date of the incident at the spot and whether any calls were exchanged between the present applicant and any of the other co-accused, as the same was not investigated by the concerned investigating officer. Today, learned APP on the instructions of the investigating officer, who is present in Court states that CDR records of the present applicant have been examined and it is found that there were no calls exchanged between the present applicant and any of the co-accused, either prior to the date of the incident or on the date of the incident, or immediately thereafter. In view of the said statement and for the reasons set out in detail vide order dated 07.09.2015, the applicant is granted pre-arrest bail on the following terms & conditions:

ORDER

(i) In the event of arrest, the applicant be enlarged on bail on his furnishing P.R.Bond

in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall attend the concerned police station on the 1st Sunday of every month till the conclusion of the trial;

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

(iv) The applicant shall inform his 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 applicant to co-operate 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

applicant's bail.

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

6. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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.