

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2263 OF 2014

Shri Dnyandeo Krishna Gavade	...	Applicant
vs.		(Orig. accused No.3)
The State of Maharashtra	...	Respondents

Mr. Dilip Bodake, Advocate for the applicant
Ms. R.V.Newton, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 17th February, 2015.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 16.10.2013 in C.R. No. 218 of 2013 registered at Karad Taluka Police Station, Karad, District Satara for the offences punishable under Sections 302, 324, 323, 504, 506 read with Section 34 of Indian Penal Code. The investigation is completed and charge-sheet is filed.

2. It is the case of the prosecution that on 16.10.2013, Sagar Shinde lodged a report at the police station stating therein that at about 1.45 p.m. in the afternoon, he was repairing the fencing of his plot. At that time, the applicant along with three others came to the spot and questioned him about the locus to repair the fencing. Suddenly Sambhaji Govade assaulted Anil Shinde. Dnyandeo Gavade had caught hold of the complainant, whereas Dattatraya Govade

assaulted the complainant with sticks on his head. The police recorded arrest panchnama at the time of arrest of the accused-applicant. Initially, the offence was registered under Section 307 of IPC. The victim Anil Shinde had succumbed to the injuries. Hence, Section 302 of IPC was added. At the time of arrest of the applicant, the police has recorded that the applicant is 70 years old. In view of this, coupled with the fact that the applicant has been in jail for more than 14 months, the applicant is entitled to grant of bail by virtue of the proviso to Section 437 of Cr.P.C. The applicant has made out a prima facie case for grant of bail. The FIR does not indicate that the applicant has been instrumental in causing the fatal injury upon the victim Anil Shinde. Hence, the applicant deserves grant of bail.

ORDER

(i) The application is allowed. The applicant be enlarged on bail on furnishing P.R Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) The applicant shall not tamper with the evidence.

Application is allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)