

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2148 OF 2015

Eknath Pandharinath Avhad ...Applicant.
versus
The State of Maharashtra. ..Respondent.

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Mr. S.H.Chari for the Appellant.

Mrs. S.S.Kaushik, APP. for the State

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CORAM : A.S. GADKARI, J.

DATE : 4th December, 2015.

P.C. :

The applicant is seeking bail in CR No.356/2014 registered with Dr.D.B. Marg Police Station,Mumbai under Section 307, 141, 143, 147,149, 323, 326, 384, 504, 506(ii) read with 34 of the I.P.C.

2_ The complainant Riyasat Husen has lodged First Information Report on 30.11.2014 stating that as he refused to pay extortion amount to the accused persons in the present crime the accused persons namely Nikhil @ Bandy, Rohidas Bodake, the present applicant and other accused persons assaulted him with cricket bat, fist and kick blows. After completion of the investigation, the charge sheet has already been filed.

3) Learned counsel for the applicant submitted that out of

above said accused persons accused Nikhil Sangle and Dipak Lahane have been released on bail. He drew my attention on the supplementary statement of the brother of the complainant who was also injured witness in the present crime. In the said supplementary statement the role attributed to the present applicant is that, after his brother fell down on the spot, the applicant hit him with cricket bat on his head. I have perused the FIR and the statement annexed to the application. It appears that even the accused Nikhil @ Bandya and Dipak Lahane were attributed same role and they were released on bail by order dated 8.9.2015 by the Trial Court. The learned APP opposed the present application on the ground that the present applicant has been attributed the role of holding a cricket bat and beating with the same to Riyasat. The role as stated above is the same and similar role as has been attributed to Nikhil @ Bandya. It may be noted that investigating officer has failed to recover the cricket bat from either of the accused namely Nikhil @ Bandya and the present applicant. In view of the above, I am inclined to release the applicant on bail. Hence, the following order.

ORDER

- a) The applicant shall be released on bail in CR No.356/2015 registered with Dr. D.B.Marg Police Station, Mumbai on his furnishing PR bond of Rs.50,000/- with one or two solvent sureties in the like amount.
- b) After his release from jail, the applicant shall report to the

Investigating officer of Dr.D.B. Marg Police Station Mumbai between 10.00 a.m. and 12.00 noon till the conclusion of the trial.

- c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- d) The applicant after his release from Jail shall furnish his residential address and mobile no. to the Investigating officer.
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)