

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2501 OF 2014

Sachin Chandrakant Kore .. Applicant

Versus

State of Maharashtra .. Respondent

Mr. S.V. Kotwal i/b Mr. Avinash Kamkhedkar for the Applicant.
Ms. Vina Shinde, A.P.P. for the State

CORAM :- SMT. SADHANA S. JADHAV, J.

DATED :- JANUARY 16, 2015.

P.C. :-

1 Heard. This is an application under section 439 of Cr.P.C. The applicant herein is apprehending his arrest in crime No.105 of 2014 registered at Yerwada Police Station for the offences punishable under sections 307, 120(B) r/w.34 of I.P.C.

2 It is the case of the prosecution that on 11th March 2014 Anwar Mohammad Pathal had lodged a report at the police station alleging therein that when he was going to Gymkhana as usual on 11.03.2014 at about 9.00 a.m. some person had fired at him. He had given the description of the said person. He had stated that face of the said assailant was muffled. He has further stated that 1-1/2

months prior to the said incident, he had received a phone call on his cell phone. The caller had given his identity as the brother of Vikas Bhingardive. He had, therefore, expressed his suspicion against Vikas Bhingardive.

3 The investigation is completed and chargesheet is filed. The name of the applicant is not stated in the F.I.R. nor the complainant has raised any suspicion against him. The evidence as far as the present applicant is concerned is that he had helped Mahesh Panibhate in obtaining SIM card. It is further alleged by the prosecution that on the date of incident assailant had used a motor cycle and number plate was prepared by the present applicant. No specific over act is attributed to the applicant as far as incident of firing is concerned, nor it is the case of the prosecution that the applicant was anywhere in the close vicinity when the alleged incident of firing had taken place. Applicant has been in custody for about 9 months. Learned counsel submits that further incarceration is unwarranted in the given circumstances.

4 Taking into consideration the evidence adduced by the investigating agency and upon considering the submissions of the

learned counsel for the applicant and the A.P.P, this Court is of the opinion that the applicant has made out a prima facie for grant of bail.

5 The observations made herein above are prima facie in nature and shall not be considered for the purpose of quashing of F.I.R., discharged application or at the time of trial since they pertain to consideration of the application under Section 439 of Cr.P.C. only.

ORDER

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

6 The application is allowed and disposed of.

(SMT. SADHANA S. JADHAV, J.)