

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2584 OF 2014

Dyaneshwar Laxman Rane	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Harshawardhan Akolkar, Advocate for the Applicant
Ms. Veera Shinde, APP for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 10, 2015**

P.C.:

This Application is moved for bail, as the applicant/accused is arrested for the offences punishable under sections 302, 507 r/w. 34 of the Indian Penal Code in C.R. No. 37 of 2014 at Shivajinagar Police Station, Pune.

2. It is the case of the prosecution that deceased Hanumant was having illicit relations with principal accused no. 1, however, he refused to marry her and, therefore, she along with applicant/accused and co-accused assaulted him on 6th March, 2014 at around 22.00 hours in front of Shivajinagar Radio Station, Pune. Hanumant succumbed to head injuries. The applicant/accused was arrested immediately on the next day i.e. on 7th March, 2014 and since then he is in prison.

3. The learned counsel for the applicant/accused has submitted that

the name of applicant/accused is not mentioned in the FIR and also in the statement of eye witness. He submitted that the name of applicant/accused is not mentioned anywhere throughout in the charge sheet, however, the only evidence against him is that the blood stains were found on the clothes, which were on his person when he was arrested on the next day. He submitted that the applicant/accused is 20 years old young boy. He further submitted that co-accused Aslam Bashir Mujawar who has played the similar role has been granted bail.

4. Learned APP submitted that Investigating officer is not present, however, charge sheet is filed. She submitted that it is a case of murder and hence opposed the Bail Application.

5. The case of the applicant/accused which is against the applicant/accused as it is, it appears that only seizure of the blood stained clothes from his person, is his evidence. C.A. Report is not available. Postmortem report is not seen. There is no evidence shown to me that the applicant/accused was identified by the eye witness and no specific role is attributed to him. The principal accused no. 1 is in prison who had motive to kill Hanumant. Under such circumstances, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- i) Application is allowed.

- ii) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs. 30,000/-, with one or two solvent sureties in the like amount;
- iii) The applicant shall not tamper the witness and evidence of the prosecution;
- iv) The applicant shall not indulge into any kind of offence while on bail;
- v) The applicant shall make himself available and attend all the Court dates.
- vi) The applicant/accused shall not abscond and shall furnish his address to the police along with address proof.
- vii) The applicant shall not leave India without the permission of the Court.
- viii) Breach of any of the conditions shall amount to cancellation of bail forthwith.

6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)