

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1563 OF 2015

IN

CRIMINAL APPEAL NO.1155 OF 2015

Ashok Pundalik Gavade & Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Umesh Mankapure, for the Applicant.

Ms A.S. Pai, APP for the Respondent-State.

**CORAM: SMT. V.K. TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ**

DATED: 17th March, 2016

PC:-

Heard both sides.

2. The Applicants, original accused Nos.1 and 2 have been convicted under section 302 r/w. 34 of the IPC for causing the death of Gurunath. Applicants are now seeking bail. The learned counsel for the Applicants submitted that he is not pressing this application for bail as far as Applicant No.1 (original accused No.1) Ashok Gavade is concerned and is pressing this application for bail only in relation to Applicant No.2 (original accused No.2) Ramesh Thakur. However, as far as Applicant No.1 is concerned, he seeks liberty to file fresh application for bail at a later stage. Thus, we

are considering this application only in relation to Applicant No.2 Ramesh Thakur and as far as Applicant No.1 Ashok Gavde is concerned, liberty is granted to file a fresh application at a later stage.

3. It is the prosecution case that on 5.2.2014 at hotel 'Top In Town' a quarrel took place between both the Applicants and Gurunath, who was waiter in the hotel. Thereafter Gurunath threatened that he would file a police complaint against accused persons. When Gurunath left the hotel to go to the police station, both the Applicants followed Gurunath and thereafter Applicant No.1 Ashok Gavade assaulted Gurunath on the head with a wooden log. Gurunath sustained injuries and died on 8.2.2014. It is pertinent to note that none of the prosecution witnesses have stated that Applicant No.2 had inflicted any blows on Gurunath. In this view of the matter we are inclined to grant bail to Applicant No.2 Ramesh Thakur. Hence, the following order:

ORDER

(i) The Applicant No.2-Ramesh Thakur be released on bail on furnishing bail bond of Rs.30,000/- (rupees Thirty Thousand only) with one or two sureties to make up the said amount and personal bond in the like amount.

(ii) During the period that the Applicant No.2 is on bail, he will

report to Chandgad Police Station, Kolhapur, once in a month i.e. first Monday of every month.

(iii) The application is allowed in above terms.

(SMT. ANUJA PRABHUDESSAI,J.) (SMT. V.K. TAHILRAMANI,J.)