

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 115 OF 2016

Rakshan Vasudev Jadhav & Anr.

..Applicants.

Vs.

The State of Maharashtra

.. ..Respondent

Mr. Rajiv Patil, Senior Advocate a/w Hasan Pasha Patel for applicants.

Ms. Rutuja Ambekar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 22nd February 2016.

P.C.

1 The applicants are seeking bail in CR No.I-205 of 2015 registered with Bhiwandi Taluka Police Station under Sections 143, 147, 148, 149, 302, 307, 366, 323, 504, 506 of IPC and Sections 3,4, and 25 of Indian Arms Act.

2 The FIR is lodged by Mr. Nityanand Sham Karbhari on 17.8.2015. It is stated in the said FIR that, the complainant was belonging to Dharmaveer Mitra Mandal and the applicants and other accused persons were belonging to Seven Up Mandal. That the accused persons by name Atish Chandrakant Patil and Nitesh Chandrakant Patil are the cousin

brothers of sister-in-law of the complainant. That the marriage of his brother with the complainant's sister-in-law was love marriage and therefore the accused persons Atish Patil and Nitesh Patil were having grudge against the brother of the complainant by name Satyam Sham Karbhari. That on 16.8.2015, at about 10.00 p.m., an altercation took place between the complainant and other accused persons which ensued in a fight. The brother of the complainant Satyam Karbhari, his father Sham Shankar Karbhari and other persons came at the spot. At that time the accused Raju Madhavi and Nitesh Patil caught hold Satyam and accused Atish Patil inflicted a blow with a sword stick on left side of the chest of Satyam. The accused Sanju Ramu Madhvi inflicted blow with knife on the stomach of deceased Satyam. After Satyam fell down on earth, the accused Pralhad Madhvi hurled a big stone on the left leg of Satyam. It is further stated that the accused Ramu Madhvi brought a gun and by pointing it towards the head of the complainant threatened him. As far as the applicants are concerned, the complainant in the FIR has stated that, along with eleven named accused persons, other seven to eight accused persons were also present at the scene of offence.

3 In the supplementary statement of even date given by the complainant, the names of the present applicants have been mentioned and

as far as their role is concerned, a general statement is made that the applicants were present along with the eleven named accused persons. After completion of the investigation, police have filed chargesheet.

4 The record discloses that there are other eye-witnesses in the present crime. It is to be noted that the eye-witness namely Nikhil Raut and Sham Karbhari, the father of complainant, in their statements have stated about the presence of the applicants at the scene of offence and the applicants were abusing deceased and the complainant. It is further stated that along with other named accused persons, the applicants were present at the scene of offence. Apart from aforesaid fact, and the role ascribed to the present applicants, no other overtact is attributed to the applicants. In view of the same, the applicants have made out a case for their release on bail.

Hence, the following order:-

(i) The applicants be released on bail in CR No.I-205 of 2015 registered with Bhiwandi Taluka Police Station on their furnishing PR bond of Rs.25,000/- each with one or two separate solvent sureties in the like amount.

(ii) After their release from jail, the applicants shall attend the Bhiwandi Taluka Police Station on every 1st and 3rd Monday of the month

between 11.00 a.m. to 1.00 p.m. till the conclusion of trial.

(iii) The applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)