

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.646 OF 2016

Sachin Prakash Patil

Applicant

versus

The State of Maharashtra

Respondent

Ms.Swapna P. Kode for Applicant.

Mr.Prashant Jadhav, APP, for State.

Mr.Chandrashekhar D. Bhabal, Police Inspector, Railway Police Station, Manmad, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 21st October 2016

PC :

1. This is an application for bail preferred by the Applicant in C.R.No.I-63/2015 registered with Manmad Railway Police Station for offences punishable under Sections 302, 394, 397, 504 read with Section 34 of Indian Penal Code. The Applicant was arrested on 4 May 2015 and since then he is in custody.

2. The case of prosecution is that on the fateful day, the deceased was travelling with the informant, who happened to be distant relative. Both of them were travelling by Darbhanga Express from Nashik to State of Bihar. They were travelling in general compartment. One of the accused for no reason, hurled abuses to the deceased and invited quarrel. Another accused took out a knife and stabbed the deceased. None of the passengers came to the rescue of the deceased. The accused stopped the train by pulling

chain and ran away from the place of incident. The deceased was taken to the hospital by the first informant. In the FIR, the informant had stated that the accused took away cash of Rs.4,500/- from the pocket of the deceased.

3. Learned advocate for the Applicant submitted that there is no evidence to detain the Applicant in custody. It is submitted that there is no recovery at the instance of Applicant. It is further submitted that the witnesses have failed to identify the Applicant-accused in the identification parade. It is also pointed out that the co-accused who was similarly placed, has been granted bail by subordinate Court.

4. Learned APP opposed the application for bail. He submitted that the accused are involved in serious crime. It is further submitted that blood stained clothes of the Applicant were recovered during the course of investigation. It was also pointed out that one case is pending against present Applicant for offence under Section 379 of IPC and while on bail, in the said case, the Applicant was involved in the present crime.

5. I have perused the charge sheet which has been annexed to this application. I have also perused the order passed by Additional Sessions Judge rejecting the application of present Applicant as well as orders granting bail to the co-accused. No doubt, the offence is of serious nature. However, the nature of evidence which is collected by the investigating machinery do not justify further detention of the Applicant in custody. The FIR was lodged against the co-accused

persons. The Applicant was arrested on the basis of statement of the co-accused. The witnesses who had seen the incident, had failed to identify the Applicant during identification parade. There is no recovery of weapon nature from the Applicant. The co-accused Sanjay Pawar has been granted bail by Additional Sessions Judge vide order dated 28 November 2015. The investigation is completed and charge sheet has been filed.

6. In view of the aforesaid circumstances, I am inclined to allow this application for bail. Hence, I pass following order :

ORDER

- (i) The Applicant may be released on bail in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall report to Manmad Railways Police Station on every Monday between 11 a.m. to 1 p.m. till further orders;
- (iii) The Applicant shall not tamper with evidence;
- (iv) The Applicant shall not change his place of residence without prior intimation to Manmad Railways Police Station;
- (v) Application stands disposed of.

(PRAKASH D. NAIK, J.)