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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.671 OF 2016**

|                                 |                 |
|---------------------------------|-----------------|
| Pradeep Maula @ Pirappa Gaikwad | .... Applicant  |
| V/s.                            |                 |
| The State of Maharashtra        | .... Respondent |

Mr. V.V. Purwant, for the Applicant.  
Mr. Arfan Sait, APP for the Respondent State.  
Mr. V.S. Badole, PSI, Solapur City.

**CORAM : A. M. BADAR, J.**

**DATE : 28th JULY, 2016.**

**P.C. :**

1. The applicant/accused, in crime No.66 of 2015, for offence punishable under sections 307, 452 read with Section 34 of the Indian Penal Code and under section 4, 25 of the Arms and also under Section 135 of the Bombay Police Act, registered at Salgar Wasti Police Station, Solpaur, at the instance of Santosh Jadhav, by this application is praying for his release on bail, after filing of the chargesheet.
2. Heard the learned counsel appearing for the applicant as well as the learned APP.
3. Perused the chargesheet. The informant Santosh Jadhav, is cousin of the present applicant. The injured Rahul is real brother of the

informant. According to prosecution case, the applicant's brother Sandip decided to celebrate his birthday with the informant on 8.8.2015. Sandip prohibited his brother Pradeep from attending that celebration. This was the cause of concern and dispute between applicant Pradeep and the informant. According to prosecution case, thereafter on 9.8.2015, present applicant Pradeep accompanied by his brother Sandip visited the house of informant Santosh and questioned him as to where is Rahul Jadhav, the brother of informant. Then, according to prosecution case, applicant Pradeep and his brother Sandip assaulted Rahul by means of sword. They threatened the mother of the informant.

4. The learned counsel for the applicant by drawing my attention to the statement of injured Rahul and statements of witnesses argued that the informant was not present on the spot and as such entire prosecution case is doubtful.

5. Be that as it may, now the the investigation is over.

6.

. The learned APP argued that there are some criminal antecedents against the present applicant. The learned counsel for applicant argued that he is acquitted in the offence registered against him on previous occasion. The learned APP pointed out the order passed by the learned Additional Sessions Judge in Session case No.273 of 2003. In

that matter, witnesses have turned hostile. However, there is nothing on record to show that the present applicant was instrumental in turning the witnesses for prosecution hostile. The charge in that matter was forming unlawful assembly and attempt to commit murder of one Vishal Jadhav. The apprehension of the prosecution can be taken care by imposing stringent conditions on the applicant. Hence the following order.

Order

- I) The application is allowed.
- II) The applicant arrested in connection with above offence, be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- and on his furnishing surety in the like amount.
- III) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- IV) The applicant shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.
- V) The applicant shall not tamper with the prosecution evidence in any manner.
- VI) The applicant shall repeat commission of offence of similar nature.

**[A. M. BADAR, J.]**