

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

BAIL APPLICATION NO. 833 OF 2016

Yogindar Hyatsingh Rawat Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

D.M. Patil for applicant.
Ms. Rutuja Ambekar APP for State.

CORAM : A.S. GADKARI, J.
DATE : 20th August 2016.

P.C.:

- 1) This is an application for bail in CR No.126 of 2015 registered with Bhandup Police Station, Mumbai dated 28.02.2015 under sections 143, 144, 146, 147, 148, 149, 307, 302, 324 read with section 34 of the Indian Penal Code.
- 2) The first information report is lodged by Smt.Kamal Sorte for an incident which occurred on 27th February 2015. The name of the deceased is Sachin Sorte. It is the case of the prosecution that the accused no. 1 Naresh Shetty was chitchatting with his girlfriend just opposite the house of Sachin Sorte. That was objected by Sachin, due to which there was altercation and scuffle with the accused no.1 Naresh. Followed by the said quarrel, accused no.1 Naresh Sorte

alongwith his three associates came at the house of the deceased Sachin and started assaulting him with bamboo stick, fist & kick blows. At that time the neighbours namely Santosh Mane, Dhanraj Khade and Manoj Kamble tried to rescue Sachin from the said assault. However the accused no.1 Naresh Shetty and his associates continued their assault. Because of the said commotion the neighbors from the adjacent houses gathered and therefore the accused persons ran away. Sachin was admitted to hospital on 22.02.2015 late in the night. He succumbed to the injury on 01.03.2015 and therefore section 302 of Indian Penal Code is added to the said crime. The cause of death as opined by the Medical Officer is "Hemorrhage and shock due to blunt trauma abdomen" (unnatural). After completion of investigation the chargesheet has been filed.

2) The learned counsel for the applicant submitted that, the witness Santosh Mane in his statement has stated that alongwith principal accused Naresh Shetty three unknown persons assaulted the deceased with bamboo, kicks and fist blows. That the Executive Magistrate in the memorandum of test identification parade has stated that the witness namely Santosh Mane identified the applicant by taking his name and therefore the identity of the applicant by the said witness is doubtful. Apart the said fact, four accused persons were put in one test identification parade by the Executive Magistrate. That there are no antecedents at the discredit of the applicant. In view of the same, I am inclined to release the applicant on bail.

1) Hence the following Order:

- (i) The applicant be released on bail in CR No.126 of 2015 registered with Bhandup Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;
- (ii) After his release from jail, the applicant shall report to the Bhandup Police Station on 1st Monday of every month between 11.00 a.m. and

1.00 p.m.

(iii) The applicant shall also attend all the court dates.

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

(v) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)