

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1045 OF 2016

Vinod Ramesh Counder vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. Ganesh Iyer i/by N.R.,Mishra for the Applicant.
Mrs. J.S., Lohokare, APP for the Respondent-State.
Mr. V.L.Kadam, API from Kalwa Police Station present.

CORAM :A.S.GADKARI, J.

DATE : 28th September, 2016

PC.

- 1) This is an application under Section 439 of the Cr.P.C. for bail in CR No.659 of 2014 dated 16.12.2014 registered with Kalwa Police Station, District Thane under Sections 143,147,148,149,302,307,326,323,324,506(2) of the Indian Penal Code and Section 4(25) of the Arms Act.
- 2) The first information report is lodged by Sayali Shankar Kadam on 16.12.2014. The name of the deceased is Shankar @ Shankraya Bhaskar Kadam. The date of time of incident is 16.12.2016 at about 2.00 a.m. It is the case of the prosecution that in pursuance of the earlier enmity the accused No.1 Shankar @ Shankya Shinde and other accused persons including the applicant assaulted the deceased with chopper, knife and other weapons. That, the victim Shankar @ Shankraya Bhaskar Kadam was declared dead before the

admission to the hospital. After registration of the first information report the police carried out the investigation and after receipt of the necessary and relevant documents from the other authorities have submitted the charge sheet in the court of competent jurisdiction.

3) Heard the learned counsel for the applicant and the learned APP. and also perused the copy of the charge sheet annexed to the application. It is to be noted here that the name of the applicant is not mentioned in the first information report and it is only mentioned that 3 to 4 other persons were in the lawful assembly along with Shankar @ Shankya, assaulted the deceased. The witness namely Nilesh Sonawane in his statement has stated that the applicant was having wooden log in his hand. The other alleged eye witnesses have attributed the role to the applicant as he assaulted the deceased with fist blows. It prima facie appears that there is clear ambiguity about the actual role played by the applicant in the present crime. The learned counsel for the applicant submitted that there are no antecedents at the discredit of the applicant.

4) In view of the same, the applicant has made out a case for his release on bail.

Hence, the following order.

a) The applicant be released on bail in CR No.659 of 2014 registered with Kalwa Police Station, District Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

- b) After his release from Jail the applicant shall attend the Kalwa Police Station, District Thane on every 1st Monday of the month between 11.00 a.m. to 2.00p.m. till the conclusion of the trial.
- c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)