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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1093 OF 2016**

Rajesh @Raju Namdev Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Rajiv Patil, Senior Counsel i/b Ms.Priyanka Thakur, for the Applicant

Mr.H.S.Dediya, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 8th JULY, 2016

P.C. :

1. Heard learned Senior Counsel for the applicant and the learned A.P.P.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.205 of 2015 registered with the Bhiwandi Taluka Police Station, for the alleged offences punishable under Sections 302, 307, 143, 147, 148, 149, 336, 323, 504 and 506 of the Indian Penal Code and under Sections 3, 4/25 of the Arms Act.

3. The Complainant – Nityanand Sham Karbhari is the brother of

deceased – Satyam. The incident is alleged to have taken place on 16.08.2015 at about 10.00 p.m.. According to the Complainant, Aatish Patil, Satish Madhvi, Satish Patil, Raju Madhvi, Raju Jadhav & Kiran Bhagat came to the spot and started abusing and assaulting the Complainant, the deceased and others. It is specifically alleged by the Complainant that the deceased – Satyam was assaulted by Raju Madhvi, Nitesh Patil & Aatish Patil.

4. Learned Senior Counsel for the applicant submitted that the applicant is entitled to be enlarged on bail on the ground of parity as well as on merits. He submitted that although the name of the applicant has been mentioned in the FIR by the complainant and other witnesses, no overt act has been attributed to the applicant nor he is alleged to have been armed with any weapon. He submitted that there is no recovery at the instance of the applicant.

5. Perused the papers. Considering the fact, that no overt act is attributed to the present applicant, nor he is alleged to have been armed with any weapon nor is there any recovery of any article at his instance,

the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the investigating officer of the Bhiwandi Taluka Police Station, on the 1st Saturday of every alternate month between 10.00 a.m. and 11.00 a.m., till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.