

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1092 OF 2015

Rajesh Dinkar Bhalerao	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Ms. Prabha Badadare i/b. Mr. Pramod Arjunwadkar, Advocate for the applicant.

Mrs. S.S. Kaushik, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **30th March, 2016.**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges under sections 307 r/w. 34 of the Indian Penal Code and under sections 3, 25 of the Arms Act. The offence is registered at the instance of Praveen Prabhakar Kanade who has stated that on 13th July, 2012 when he was in his office, his friend Rajesh Ghadge came there at 8.45 p.m. and they were chitchatting. At around 9 p.m. he heard sound of a fire cracker and suddenly Rajesh Ghadge fell down. Two persons arrived there and they were holding revolver. One person fired at Rajesh Ghadge and other person assaulted him with chopper. The person who fired at Rajesh Ghadge told the other person to cut the neck of Rajesh Ghadge. They warned the complainant and thereafter they ran away.

2. It is the case of the prosecution that co-accused Ramesh Salve and

Manish Salve and his associates were having previous enmity with the victim, as they belonged to different political parties. The victim had disputes on number of occasions with these persons and on 13th July, 2012 co-accused Ramesh Salve along with other co-accused attacked him. The victim was taken to the hospital and was treated. He survived. The offence was registered at C.R. No. I-84 of 2012 with Kopri Police Station on 13th July, 2012. The applicant Bhalerao was arrested on 22nd October, 2012. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is falsely implicated in this case. The applicant/accused has not committed any offence. He has not participated in the actual assault. As per the affidavit filed by the Investigating officer, two cases under section 324 are registered against the applicant/accused.

4. Learned APP opposed the Bail Application. She submitted that a specific role is attributed to the applicant/accused. He was standing with his motorcycle outside the office and one of the accused who had actually assaulted the victim sat on the motorcycle and fled away. All the accused are prosecuted under section 34 of the Indian Penal Code. A chopper is recovered from the applicant/accused.

5. Perused the FIR, relevant statements and evidence against the applicant/accused. As per the case of the prosecution, applicant/accused was waiting outside the office with his motorcycle and after the commission of offence, one assailant sat on the motorcycle and the applicant/accused drove the motorcycle away from the spot. Thus, the applicant/accused helped one of the assailants to run away from the incident. The victim and other witness had acquaintance with the applicant/accused and so there is no question of identification. Accepting the case of the prosecution, the evidence against the applicant/accused and considering the period for which the applicant/accused is behind the bars, bail is granted to the applicant/accused on the following terms and conditions:

ORDER

- i) Application is allowed.
- ii) The applicant/accused shall be released on bail upon furnishing PR. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount;
- iii) The applicant/accused shall not pressurize the complainant, victim and any other witness;
- iv) The applicant/accused shall not indulge into any criminal activity hereafter.

- v) The applicant shall make himself available and attend all Court dates;
- vi) The applicant shall not abscond and furnish his telephone number and address to the police along with address proof.
- vii) The applicant shall not leave India without the prior permission of the Court.
- viii) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. The Application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)