

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

CRI. BAIL APPLICATION NO. 1186 OF 2016

Shri Rajendra Shankar Madane ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. M. S. Mohite, Advocate i/by Prashant M. Patil, Advocate
for the Applicant.

Mr. Arfan Sait, A.P.P. for the Respondent – State.

PSI- Mr. S. M. Shaikh (Phaltan City Police Station) is present.

CORAM : A. M. BADAR, J.

DATE : 01st JULY, 2016

P.C. :

1 The applicant-accused in Crime No. 132 of 2016 for the offences punishable under sections 307, 363, 365, 367, 143,147,148,149 of the Indian Penal Code and under sections 3(1) (25) of the Arms Act, registered with Phaltan City Police Station, Dist. Satara, by this application is praying for releasing him on bail on filing the charge-sheet.

2 Heard the learned counsel appearing for the Applicant/accused. He argued that the first version of the injured does not attribute any role to the present applicant. His supplementary statement, recorded after more than 15

days, attributes role of driving vehicle to the present applicant. Learned counsel further argued that injuries suffered by the injured were simple in nature except fracture of nasal bone and fracture of enamel of teeth.

3 As against this, the learned APP argued that RTI activist is attempted to be killed by the accused persons on forming an unlawful assembly only because the informant had lodged several complaints against the accused persons.

4 Perused the charge-sheet. The crime in question came to be registered at the instance of Smt. Suman A.Shinde, the mother of injured Yuwaraj Shinde. She reported abduction of her son Yuwaraj. It is seen from the chargesheet that abduction of Yuwaraj took place at about 10.25 pm on 30.3.2016 and in the morning hours of 31.03.2016, he was left by the accused persons in-front of the hospital after beating him severely. Perusal of the statement of injured-Yuwraj recorded while he was taking treatment at Tardgaon Primary Health Center on 31.03.2016 shows that in the said detailed statement, the applicant is not even named. After 16 days, the injured had reported to the police that the present applicant was driving four wheeler vehicle in which he was abducted. Perusal of the injury certificate goes to show that the injured had suffered fracture injury to enamel as well as nasal bone.

The investigation is already over. The trial will take its own time.

5 Considering the role attributed to the present applicant in the commission of crime in question, his pre-trial detention is not warranted. The application deserves to be allowed and hence, the following order :

ORDER

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 132 of 2016 for the offences punishable under sections 307, 363,365,367,143,147,148,149 of the Indian Penal Code and under sections 3(1) (25) of the Arms Act, registered with Phaltan City Police Station, Dist. Satara, be released on bail on executing PR Bond in the sum of Rs. 10,000/- and on furnishing solvent surety in the like amount.
- iii. As a condition of this order, the Applicant should attend the trial on every date of hearing and shall co-operate for expeditious disposal of the trial.
- iv. In addition, the Applicant/accused is directed that he shall not directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that applicant shall not tamper with the prosecution evidence in any manner.

- v. The applicant should not commit offence of similar nature in future.
- vi. The bail application is disposed of accordingly.

(A. M. BADAR, J.)

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