

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

CRI. BAIL APPLICATION NO. 1227 OF 2016

Umesh aka Bandya Laxman Bhangane ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Ms. Aarti Bhonsle, Advocate for the Applicant.

Ms. R. M. Gadhvi, A.P.P. for the Respondent – State.

PSI- Mr. C. S. Lohakare (Deccan Police Station, Pune City) is present.

CORAM : A. M. BADAR, J.

DATE : 09th AUGUST, 2016

P.C. :

1 The applicant/accused in Crime No. 361 of 2015 registered with Deccan Police Station, Pune City for the offences punishable under section 307 of the Indian Penal Code and under sections 4(25) of the Arms Act and under section 37(1), (3) r/w. 135 of the Maharashtra Police Act, at the instance of informant-Dnyaneshwar Vasudev Valshetwar, by by this application under section 439 of the Criminal Procedure Code, is praying for releasing him on bail.

2 Heard the learned counsel appearing for the Applicant/accused. She argued that considering the nature of the evidence available against the present applicant, his pre-

trial detention is not warranted. Learned counsel submitted that except the statement of co-accused, there is no evidence worth mentioning against the present applicant for the alleged offence.

3 Learned APP opposed the application by contending that the blood stained clothes came to be seized from the accused and he is involved in the crime in question alongwith co-accused Akash Khandagle.

4 Perused the chargesheet. The crime in question was committed on 18.12.2015. According to the prosecution case injured- Kapil Rakshe was having an affair with one Trupti Nivekar. Her husband i.e. Vijay Nivekar was aggrieved because of this conduct of Kapil Rakshe and, therefore, by hiring contract killers, he attempted to commit murder of said Kapil Rakshe. The present applicant is stated to be one of the persons hired by co-accused-Vijay Niveker for killing injured-Kapil Rakshe.

5 Perusal of the FIR as well as the statement of injured shows that on 18.12.2015 at about 8.15 p.m., injured - Kapil Rakshe was assaulted by means of Koyta from behind on head and hands by unknown assailants. Statement of the injured prima facie shows that there was only one assailant.

Statement of V. H. Deshmukh, Police Naik, shows that on the basis of the suspicion the present applicant was arrested.

6 Now the investigation is over. Chargesheet is filed. The trial will take its own course. There is no material on record to show that in the event of enlarging on bail the applicant would flee from the course of justice. Therefore, the order :

ORDER

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 361 of 2015 registered with Deccan Police Station, Pune City for the offences punishable under section 307 of the Indian Penal Code and under sections 4(25) of the Arms Act and under section 37(1), (3) r/w. 135 of the Maharashtra Police Act, at the instance of informant - Dnyaneshwar Vasudev Valshetwar, be released on bail on executing PR Bond in the sum of Rs. 15,000/- and on furnishing solvent surety in the like amount.
- iii. As a condition of this order, the Applicant should co-operate with trial court in 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 bail application is disposed of accordingly.

(A. M. BADAR, J.)

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