

vks

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1338 OF 2016

Amit Prakash Dagade	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. A. P. Mundargi, Senior Counsel, I/by Subir Sarkar, for the Applicant.
Mr. Y. M. Nakhwa, APP for the Respondent State.
Mr. T.L. Tonape, ASI Jinjewadi Police Station, Pune.

CORAM : A. M. BADAR, J.

DATE : 20th JULY, 2016.

P.C. :

1. The applicant/accused, arrested in connection with C.R.No.258 of 2016, registered with Hinjawadi Police Station, Pune, for the offence under Sections 307, 504, 506(1) (2), read with 34 of the Indian Penal Code, by this application is praying for releasing him on bail, during the pendency of the trial.
2. Heard the learned Senior Counsel, appearing on behalf of applicant. He argued that even if the contents of F.I.R. are accepted, then only role attributed to the applicant is of accompanying his father Prakash to the scene of offence. By drawing my attention to the cross

F.I.R., lodged by present applicant, it is pointed out that in fact the present applicant was on the spot alongwith his brother Milind and prosecuting party had assaulted him at about 3.30 p.m, on 2.6.2016.

3. The learned APP opposed the application by submitting that there are eye witnesses to the incident in question who are mainly employees of the police party. The learned APP submitted that the offence is serious and witness is injured by firing on him from the firearm. The learned APP relied on the statement of eye witnesses such as G.N. Chavan and Rohidas. Reliance is also placed on the statement of injured Dattatray Wede.

4. Perused the papers of investigation alongwith F.I.R. lodged by Pandurang Wede. According to prosecution case work of removal of encroachment was going at the instance of Pune Municipal Corporation. Initially at about 3.30 p.m. of 2.6.2016, Milind Prakash and Manoj Prakash Dagade came to the spot and quarreled with members of prosecuting party. Subsequently the present applicant alongwith his father Prakash Dagade came on the spot. It is averred in the F.I.R. that present applicant/accused abused Dattatray Wede and threatened to kill Dattatray. Perusal of statement of Dattatray Wede does not show that there was any threat to him by present applicant. Statements of eye witnesses recorded by Investigating Officer does not reflect any overt-act

on the part of present applicant.

5. Considering the nature of evidence against present applicant, who is a young person, his further detention is not warranted and as such following order:-

Order

- I) The application is allowed.
- II) The Applicant, who is arrested in connection with above offence, be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- and on his furnishing surety in the like amount.
- III) The Applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- IV) The Applicant shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.
- V) The Applicant shall not tamper with the prosecution evidence in any manner.
- VI) The Applicant shall not repeat commission of similar offence in future.

[A. M. BADAR, J.]