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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1347 OF 2016

Kuldeep @ Raju Dinkar Madane
and others

.... Applicants

V/s.

The State of Maharashtra

.... Respondent

Mr. A. P. Mundargi, Senior Advocate I/by
Abhishek Yende, for the Applicant.

Mr. S.S. Pednekar, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 12th JULY, 2016.

P.C. :

1. The applicants viz: Kuldeep @ Raju Madane, Sachin Sarjerao Shinde and Sachin Korade, who are accused in C.R.No.132 of 2016 registered with Phaltan City Police Station, District: Satara, for offence punishable under Sections 307, 363, 365, 367, 143, 147, 148, 149 of the Indian Penal Code and Sections 3(1) (25) of the Arms Act, by this application are praying for bail, pending trial.

2. Heard the learned Senior Counsel appearing for applicants/accused. He submitted that first information of the incident coming from the mouth of injured Yuvraj Shinde is not even disclosing the

name of applicant No.1 Kulkdeep Madane and applicant No.3 Sachin Korade. The learned Senior Counsel further argued that in his subsequent statement, name of applicant No.3 is stated at the fag end by alleging that he alongwith co-accused assaulted Yuvraj by means of fists and kick blows, electric wire, wooden log, iron rod and stones. The learned Senior Counsel further submitted that some of the accused persons who are actually named as assailants are already released on bail by the learned Additional Sessions Judge.

3. I have also heard learned APP. He pointed out statement of Pramod Shinde and others and contended that soon after the incident, injured had described the mode and manner of the incident to these witnesses. It is not in dispute that some of the co-accused having identical role are already released on bail. Informant Suman Shinde, who is mother of injured Yuvraj, reported abduction of Yuvraj. Thereafter statement of injured Yuvraj came to be recorded at Taradgaon Primary Health Center. In his statement, Yuvraj stated that alongwith co-accused, applicant Sachin Shinde abducted him and thereafter he was taken in a room where he was assaulted by Sachin Shinde, so also by co-accused. Injured Yuvraj further stated that thereafter he was left in front of primary Health Center at Taratgaon. With minor variances, subsequent statement of Yuvraj is also of the same version. It is seen that applicant No.1

Kuldeep @ Raju, is not named by the injured-victim. Perusal of injury certificate shows that injuries suffered by Yuvraj were simple in nature and subsequently fracture of nasal bone came to be detected. Now investigation is over and the trial will take it's own time. As such pre-trial detention of applicants is not warranted. Hence order.

Order

- I) The application is allowed.
- II) Applicants/accused arrested in connection with above crime, be released on bail on their executing P.R. Bonds in the sum of Rs.10,000/-by each of them and on their furnishing sureties in the like amount by each of them;
- III) The applicants 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 applicants shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.
- V) The applicants shall not tamper with the prosecution evidence in any manner.
- VI) The applicants shall not commit offence of similar nature in future.

[A. M. BADAR, J.]