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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1588 OF 2016

Rajendra Sudam Darekar	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Victor Chetiyar, for the Applicant.
Mr. Deepak Thakare, APP for the respondent State.

CORAM : A. M. BADAR, J.

DATE : 9th AUGUST, 2016.

P.C. :

1. The applicant/accused, in crime No.147 of 2016, for the offence punishable under Sections 307, 143, 147, 148, 120(B) read with Section 34 of the Indian Penal Code and Section 3(25) of the Arms Act, registered against him at police station Shikrapur, District: Pune, at the instance of Sagar Sunil Varpe, by this application is seeking bail, pending trial.

2. Heard the learned counsel for the applicant/accused. He argued that the role attributed to the present applicant, in the crime in question is exactly identical with that of Yuvraj Darekar, who is named as accused in the F.I.R. The learned counsel, further argued that said Yuvraj

Darekar is given clean chit, by the Investigating Officer by submitting report under Section 169 of the Code of Criminal Procedure. The learned counsel further argued that the injured is discharged from the hospital and the investigation is virtually over. The learned counsel further argued that the motive as alleged against the present applicant is totally false as the present applicant is employee of Tranter Company. He is working as operator. The learned counsel argued that being President of the Trade Union, the applicant is public figure and has contacts with large number of persons. Therefore, according to the learned counsel for the applicant, telephonic conversation of the applicant with members of public cannot be used against him to infer that he was in contact with the assailant.

3. The learned APP opposed the application by contending that case against Yuvraj Darekar was closed by filing application under Section 169 of Code of Criminal Procedure, because Yuvraj Darekar was not found to be present on the spot of incident. As against this, the present applicant had dropped the assailants on the spot. The learned APP further argued that firearm used in the offence is seized and the person from whom it was procured is made an accused in this crime. The applicant was in contact with the assailant by means of telephonic communication.

4. Perused papers of investigation as well as the F.I.R. The

F.I.R. lodged by Sagar Sunil Varge is to the effect that injured Santosh @ Pintu, is in the business of scrap. According to the informant, Yuvraj Darekar and the present applicant are also in business of scrap and there is business rivalry in between them. It is averred in the F.I.R. that 4 to 5 unknown young boys were seen roaming with Yuvraj Darekar and the present applicant at various places. The informant further averred that on 26.6.2016, two young persons unknown to him fired a gunshot at Santosh @ Pintu Darekar at 8.15 p.m. at Sanaswadi and injured him. The informant categorically averred that those two assailants were earlier found to be roaming with Yuvraj Darekar as well as the present applicant.

5. It is, thus, seen from the F.I.R. that the present applicant and Yuvraj Darekar are stated to be in contact with the assailant since prior to the date of the incident. In this context, filing of closure report so far as Yuvraj Darekar is concerned, assumes importance.

6. It is seen from the record of investigation that the injured is already discharged. The record of investigation further reveals that statements of witnesses are already recorded. Seizures have already been effected. The firearm allegedly used by co-accused is also recovered.

7. In this view of the matter, considering the role attributed to the present applicant, so also the fact that Yuvraj Darekar is already let off

from the crime in question by the Investigator, further pre-trial detention of the present applicant is not warranted and as such application is allowed.

Order

- I) The application is allowed.
- II) The applicant arrested in above crime, he be released on bail on his executing P.R. Bond in the sum of Rs.5,000/- 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 not tamper with the prosecution evidence in any manner and shall co-operate the learned trial Judge in expeditious disposal of the trial.
- V) The applicant shall not repeat commission of similar type of offences in future.

[A. M. BADAR, J.]