

Anand

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

BAIL APPLICATION No.2089 OF 2015

Yogesh Rajendra Jadhav .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

BAIL APPLICATION No.2082 OF 2015

Sumit Sandip Dindorkar .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

BAIL APPLICATION No.2090 OF 2015

Rashtrapal Vilas Naravde .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Sanjeev Kadam i/b. Ms Sneha G. Sanap,
Advocate, for the Applicants in B.A.Nos.2089 &
2090 of 2015

Mr.Sanjeev Kadam i/b. Mr.Ajinkya Jaibhave,
Advocate, for the Applicant in B.A.Nos.2082 of
2015

Mr.Y.M.Nakhwa, APP, for the Respondent – State
in all matters

CORAM : REVATI MOHITE DERE, J.

DATE : 25.04.2016

P.C.

. Heard learned counsel for the Applicants and the learned APP for the Respondent – State. Since all the three Applications arise out of the same C.R., they are being disposed of by a common order.

2. By these Applications, the Applicants seek their enlargement on bail in connection with C.R.No.77 of 2015 registered with the Indira Nagar Police Station, District – Nasik, for the alleged offences punishable under Sections 120B, 201, 302, 323, 504, 506 r/w.34 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. The incident has taken place on 11.05.2015 at about 10.00 p.m. The Complainant is the brother of the deceased. He has stated

that at about 10.00 a.m., he received a call from his mother stating that his brother-Anand (deceased) was assaulted and that he was lying in an injured condition on the road. Pursuant to the said information, the Complainant went to the spot and found his brother-Anand in an injured condition. He has stated that people had gathered and the police were present at the spot. He has further stated that he learnt that his brother-Anand had succumbed to the injuries. He has further stated that he learnt from Bhavesh Ananda Patil that there was an altercation between the deceased and the Applicant-Yogesh and in the altercation, all the Applicants assaulted the deceased with fist and kick blows and that Yogesh pulled out a knife from his waist and assaulted the deceased on his chest 2-3 times.

B.A.NO.2089 OF 2015

4. After arguing for some time, learned counsel for the Applicant does not press this

Application and seeks leave to withdraw this Application qua the Applicant-Yogesh Rajendra Jadhav. Accordingly, B.A.No.2089 of 2015 is dismissed as withdrawn.

B.A.Nos.2082 & 2090 OF 2015

5. Mr.Kadam, learned counsel for the Applicants submits that as far as the Applicants in the aforesaid Applications are concerned, both the Applicants are alleged to have assaulted the deceased with fist and kick blows. He submitted that there is no motive alleged as against the Applicants. He submitted that there are two eye witnesses to the said incident; Bhavesh Ananda Patil and P.I.-Gulab Ramdas Chaudhari. He submitted that Bhavesh Patil in his statement dated 12.05.2015 which was recorded two days after the incident, has stated for the first time, that the Applicant-Sumit had also assaulted the deceased with a knife. He submitted that the Complainant-Ajay Khanke in his complaint, has stated that Bhavesh Patil

had disclosed to him that Yogesh had assaulted the deceased with a knife and two other accused had assaulted the deceased with fist and kick blows. He submitted that P.I.Chaudhari, who happened to be present at the spot at the time of the incident, in his statement dated 12.05.2015 has also specifically stated that it was Yogesh, who assaulted the deceased with knife, which he pulled out from his waist and assaulted the deceased several times. As far as the Applicants-Sumit Sandip Dindorkar & Rashtrapal Vilas Naravde are concerned, they are alleged to have assaulted the deceased with fist and kick blows. He submitted that considering the role of the Applicants that they are alleged to have assaulted the deceased with fist and kick blows and the fact that the deceased had succumbed to the injuries caused by Yogesh with a knife, the Applicants be enlarged on bail.

6. Learned APP opposed the Bail Applications.

7. Perused charge-sheet. No doubt, Bhavesh Patil in his statement dated 12.05.2015 has stated that the Applicant-Sumit had also assaulted the deceased with a knife, however, P.I.-Chaudhari who was present at the spot, has stated that it was only Yogesh, who assaulted the deceased with a knife and that other accused assaulted with fist and kick blows. It appears that there are no antecedents qua the Applicants.

8. Considering the material on record qua the Applicants, the Applications, being B.A.Nos.2082 and 2090 of 2015 are allowed and the Applicants i.e. Sumit and Rashtrapal are enlarged on bail on the following terms & conditions:

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall report to the investigating officer of the Indira Nagar Police Station, District – Nasik on the first Saturday of every month between 10:00 a.m. and 11:00 a.m. till the conclusion of the trial;
- (iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicants to cooperate with the conduct of the trial;

(vi) The Applicants shall file an undertaking with regard to Clause Nos.(ii) to (v) within one week of their release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

9. The Applications, being B.A.Nos.2082 & 2090 of 2015 are allowed in the aforesaid terms and are accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)