

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 123 OF 2017

Kishor Bapu Londhe

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Priyal Sarda i/b. Mr. Mahesh B. Zanwar for the Applicant.

Ms. Sharmila Kaushik, APP for the State/Respondent.

Mr. S.N. Deshmane, API, Hadapsar Police Station, Pune (present).

**CORAM : MRS. MRIDULA BHATKAR, J.**

**DATE : 16<sup>th</sup> January 2017**

P.C.:

1. This application for bail is moved by the applicant-accused who is facing charges under sections 302, 143, 144, 147, 148, 149, 323, 324, 427, 504 and 34 of the Indian Penal Code in C.R. No. 502 of 2016 registered with Hadapsar Police Station, Pune. The offence is registered at the instance of Nilesh Prakash Shinde on 28<sup>th</sup> July 2016.

2. It is the case of the prosecution that Nilesh Shinde, who is resident of one Sawant Chawl at Hadapsar, on 27<sup>th</sup> July 2016

shooed away the dog of principal accused Ganesh Kamble and therefore there was a verbal altercation with the mother of Ganesh Kamble and the complainant Nilesh Shinde. On the same day, at about 8.30 p.m., Ganesh Wable alongwith his friends wanted to beat the complainant and his friends and his relatives. However, at that time, somebody called the police and as the police arrived, Ganesh Wable and his associates ran away. However, on the same day, at about 11.00 p.m. Ganesh Wable and his friends arrived near the residence of the complainant and assaulted the complainant and his relatives and his friends Sagar Chougule and Sunny Chougule. Ganesh Wable assaulted Sagar Chougule with rod and that was a fatal blow. Complainant -Nilesh Shinde, Sagar Chougule and Sunny Chougule were shifted to hospital for treatment. However, Sagar Chougule succumbed to the injury. Hence, an offence of murder was registered against the applicant-accused Ganesh Wable and other co-accused.

3. The learned counsel for the applicant-accused submitted that the applicant-accused is not the principal accused. He was not involved earlier in any quarrel with the complainant. As per the statements of witnesses of the prosecution, the

applicant-accused was present at the time of second assault and he assaulted some persons with kicks and fist blows. He submitted that Sagar Chougule did not die because of the assault by the applicant-accused.

4. The learned APP opposed the application. She relied on the P.M. notes and the statements of witnesses.

5. Perused the P.M. notes, which show that Sagar Chougule died due to the head injury by blunt object. The injury caused to the complainant and other persons are of simple in nature. A very limited role of assaulting with fist blow and kicks is attributed to the present applicant-accused.

6. The charge sheet is already filed. I am inclined to allow the application on the following terms and conditions:

#### ORDER

- (i) Application is allowed.
- (ii) The applicant-accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs. 30,000/- with one or two sureties in the like amount.

- (iii) The applicant-accused shall not involve in any offence and especially against human body.
- (iv) The applicant -accused shall attend all the Court dates.
- (v) The applicant shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.
- (vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

7. The application stands disposed of in the above terms.

**(MRIDULA BHATKAR, J.)**