

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 271 OF 2017**

Pravin Mohan Hattekar

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Ritesh M. Thobde for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 3rd JULY, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 342 of 2016 registered with the Sangola Police Station, Solapur, for the alleged offences punishable under Sections 364, 302, 201 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that although there is an eye-witness to the said incident dated 22nd May, 2016, no overt act has

been attributed to the applicant. He submits that there is no recovery at the instance of the applicant and the applicant has no antecedents. He further states that the applicant has also not been named in the FIR.

4. Learned A.P.P opposed the application. Learned A.P.P had sought time on the last date, pursuant to which, the matter was adjourned to today. The Investigating Officer is not present.

5. Perused the papers. The incident has taken place on 22nd May, 2016 at about 8:30 p.m. Vinayak Bapu Karande is an eye-witness to the said incident. He has stated that after watching the wrestling match, he was returning home along with deceased Prashant Karande. He has stated that their motorcycle got punctured and hence, they were pushing the motorcycle for removing the puncture, towards the village. He has stated that when they reached the agricultural land of Dhondiram Mali, Ananda Bajbalkar and his friends came near them. He has stated that Ananda (original accused No. 1) questioned Prashant and asked him, why he was having illicit relations with his wife and started abusing him. He has stated that the persons, who had accompanied Ananda, started assaulting Prashant

with their hands and stick. He has further stated that when Prashant started running from the spot, Ananda followed him and pulled out a knife and assaulted him with a knife in his stomach and on his back. He has stated that as Prashant screamed, people gathered, pursuant to which, the said persons left the said spot. The said information was disclosed by Vinayak Karande to Prashant's father i.e. Arjun Karande (complainant), pursuant to which, the aforesaid FIR was lodged. Admittedly, the applicant has not been named by the eye-witness-Vinayak Karande nor in the FIR. In the supplementary statement dated 27th May, 2016, the eye-witness has stated that Ananda has disclosed the names of other two persons present with him, and that one of the said persons was Pravin Hattekar i.e. the applicant. No overt act has been attributed to the applicant. No weapon/clothes have been recovered, at the instance of the applicant. The learned Counsel for the applicant states that the applicant has no antecedents. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;
- (iii) The applicant shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number 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 applicant to cooperate with the conduct of the trial and attend the trial Court on every date of hearing;

(vi) The applicant to file undertaking with regard to clauses (ii) to (v) in the trial Court within two weeks of his 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.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. 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.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.