

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 447 OF 2017**

Sandeep @ Jalwa Shyamrao Bandgar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. M. S. Mohite I/b Mr. Sachin K. Hande for the Applicant

Mr. Rajan Salvi, A.P.P for the Respondent-State

PC Mr. D. V. Kalange from Pusegaon Police Station is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 3rd MAY, 2017

P.C.

1. Heard learned Counsel for the applicant.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 61 of 2015 registered with the Pusegaon Police Station, for the alleged offences punishable under Sections 302, 307, 326, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Section 37(1), (3) of the Maharashtra Police Act.

3. Learned Counsel for the applicant states that admittedly, the applicant was not present at the spot when the alleged offence took place. He submitted that the only allegation as against the applicant, who is the driver of the main accused is that he ferried the accused in a tempo and parked the tempo at a distance from the place where the incident took place and thereafter took the accused to another place, where they took shelter.

4. Learned A.P.P does not dispute the fact that the applicant was not present at the spot when the deceased was assaulted. He does not dispute the fact that the applicant ferried the accused to the spot near a vasti and thereafter, took them to another village where they were given shelter. He also does not dispute the fact that there are no eye-witnesses to state that the applicant was present at the spot when the assault took place nor has any overt act been attributed to the applicant.

5. 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 11:00 a.m. to 12:00 noon, till the conclusion of the trial;
- (iii) The applicant shall not tamper with 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.

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

7. 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.

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

REVATI MOHITE DERE, J.