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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.463 OF 2017

Siddheshwar Shambhudev Bhumbe ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Aniket U. Nikam i/b. Mr.Chetan S. Damre for the Applicant.

Ms.A.A. Takalkar, APP for the Respondent-State.

CORAM : T.V.NALAWADE, J.

DATED : 9 AUGUST 2017

P.C.:-

This application is filed for bail in C.R.No.353/2016 registered by Warje Malawadi police station, District Pune for offences punishable under sections 302, 307, 147, 148, 149 and 504 of the IPC . Heard both the sides.

2. The papers of investigation shows that the crime was registered on the report of one Nilesh Kamble. He and his friends

were invited for a party on 25 July 2016 by Adinath Kamble. The party was arranged on the plot of Karmarkar near R.M.D College on Mumbai-Bangalore highway. A message was sent to the present Applicant and to other friends. At about 10.00 a.m. they went to the venue. Adinath Kamble had invited his other friends also and there were 50-60 persons at the venue. They were enjoying the party and consuming beer.

3. At about 1.00 a.m. in between 25 and 26 July, 2016, one friend of Adinath Kamble came towards Sagar Gaikwad and he behaved in an arrogant manner and quarrel started between them. During the quarrel, friends of Adinath Kamble from the other group started throwing and hitting beer bottles. One blow hit Akash Tujare on his head and he fell down and when the present Applicant and his another friend intervened, they threw beer bottles and stones on them. In the incident, Akash Tujare and Akhsay Chavan sustained serious injuries on their heads. Report was given on the same night and initially, crime was registered for offence punishable under section 307, 504, 143, 147, 148 and 149 of the IPC. Akash Tujare

succumbed to the head injuries sustained by him and so the crime was converted to one punishable under section 302 of the IPC.

4. The statements of witnesses who were present on the spot would show that there was virtually a free fight between the two sides involved in the incident. There is statement of Kushal Gaikwad who had also sustained grievous injuries. His statement also shows that 7/8 friends of Adinath had assaulted them on their heads by using beer bottles. Looking to the nature of the incident and the evidence against the present Applicant, who is behind the bars for quite sometime and as investigation is completed, it would not be desirable to keep the Applicant behind the bars till the hearing of the case. Hence the application is allowed. The Applicant be released on bail on his furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount. He shall not tamper with the prosecution witnesses. He shall not commit similar offence.

(T.V.NALAWADE, J.)