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

CRIMINAL BAIL APPLICATION NO.631 OF 2017

Vijay Shrirang Jadhav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Dhananjay Rananaware, for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 14th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.258 of 2016 registered with the Borgaon Police Station, Satara for the alleged offences punishable under Sections 302 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that the only

allegation, qua the applicant is that he was present alongwith the co-accused – Shubham Jadhav, his nephew, at the spot. He submitted that admittedly it is co-accused – Shubham, who pulled out a knife from his pocket in the altercation which took place and stabbed Aniket Deshmukh (deceased) in his abdomen twice. He submitted that the applicant cannot be attributed with the knowledge that co-accused – Shubham was armed with a weapon. He submitted that the applicant has no antecedents.

4. Learned APP opposed the application.

5. Perused the papers. The incident took place on 10th November, 2016. It is alleged by the complainant – Tukaram Lambore, that he alongwith deceased – Aniket and others was present near the ST stand, when co-accused – Shubham came to the said spot. It appears that co-accused – Shubham questioned the deceased, pursuant to which , there was an altercation between them. It is alleged that co-accused – Shubham was slapped by Pravin, Tukaram (complainant) and Aniket (deceased). It is alleged by the complainant that within a short time, co-accused – Shubham returned back with the applicant and questioned Aniket, as to why he had

assaulted Shubham. It is alleged that an altercation took place in which the applicant held Aniket. It is further alleged that co-accused – Shubham pulled out a knife from his pocket and assaulted Aniket on his abdomen, twice. Thereafter, the accused are alleged to have fled from the spot. Aniket was taken to the Hospital i.e. PHC Nagthane and thereafter shifted to Satara Civil Hospital, where he succumbed to the injuries during his treatment. The overt act of assaulting the deceased with a knife has been attributed to co-accused – Shubham. Investigation is complete and charge-sheet is filed. There are no antecedents, qua the applicant. The application is accordingly allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- 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 contact the complainant, witnesses or any person concerned with the case;
 - iv) The Applicant shall co-operate in the conduct of the trial.
6. The Application is allowed and disposed of in above terms.
7. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)