

Anand

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

BAIL APPLICATION NO.643 OF 2017

Babasaheb Arun Thite

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.A.U.Nikam i/b. Mr.A.Satpute, Advocate, for the Applicant
Mr.S.H.Yadav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.564 of 2016 registered with the Shikrapur Police Station, District – Pune, for the alleged offences punishable under Sections 302, 452, 504, 506 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that no overt act has been attributed to the Applicant. He submitted that according to the Complainant – Smt. Lata Thite, the Applicant came with co-accused – Vajjnath at around 10.30 p.m. and that it

is co-accused – Vajinath who entered the house, removed the axe from his shirt and assaulted her husband – Sanjay.

4. Learned APP does not dispute the fact that no overt act has been attributed to the Applicant in the assault of Sanjay.

5. Perused the papers.

6. The incident in question has taken place on 31.08.2016 at about 10.30 p.m.. According to the Complainant – Smt. Lata Thite, the Applicant and co-accused – Vajinath came to their residence at about 10.30 p.m.to clarify whether an amount of Rs.700/- was paid by Vajinath to the Applicant. According to the Complainant, co-accused – Vajinath entered the house, removed the axe from his shirt and assaulted her husband – Sanjay, who was sleeping. She has further stated that the Applicant was standing outside in the courtyard of the house and that she and the Applicant took the deceased to the Government Hospital. A perusal of the FIR shows that it was co-accused – Vajinath, who assaulted the deceased – Sanjay. No overt act has been attributed to the Applicant in the assault on Sanjay.

7. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & 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 immediately after being released 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;

(vi) 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.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)