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

***CRIMINAL BAIL APPLICATION NO.786 OF 2017***

Somnath Ramesh Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Rajiv Patil, Senior Counsel i/b Mr.P.M.Patil, for the Applicant.

Mr.Deepak Thakare, A.P.P. for the Respondent-State.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 5<sup>th</sup> MAY, 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.600 of 2016 registered with the Nigadi Police Station, Pune for the alleged offences punishable under Sections 302, 120B, 143, 147, 148, 149 r/w 34 of the Indian Penal Code and under Section 37(1) r/w 135 of Bombay Police Act and under Section 4(25), 3(25) of the Arms Act.

3. Learned Senior Counsel for the applicant submitted that there is no material to connect the applicant with the alleged offences. He submitted that the co-accused in his statement has disclosed the applicant's name, however, the said statement being inadmissible cannot be considered.

4. Learned APP states that the applicant has 10 antecedents. He does not dispute the fact, that apart from the statement of the co-accused, there is no clinching material to connect the applicant with the alleged offences. Learned APP relied on the statement of the First Informant – Arti Dange, wife of the deceased, Kusum Dange, mother of the deceased and Hindurao Dange, uncle of the deceased.

5. Perused the papers. The incident in question has taken place on 29<sup>th</sup> August, 2016. There are 4 eye-witnesses in the said case, however none of the eye witnesses have named the applicant. There is no recovery, last seen, CDR records to connect the applicant with the alleged offences. As far the statement of Kusum Dange and Hindurao Dange are concerned, both have stated that there was a talk in the village that the deceased should

be careful of the applicant and others, as there was a possibility that they would kill him. Learned APP is unable to point out any other material to connect the applicant with the offences. In the light of the matter, merely because the applicant has 10 antecedents, cannot be a ground to reject the applicant's application for bail.

6. Accordingly, the application is 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.1,00,000/- with one or two local solvent 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 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 trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not enter the jurisdiction of Nigadi Police Station, except for the purpose of attending the police station, as mentioned in clause (ii);

v) The Applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;

(vi) The Applicant shall cooperate with the conduct of the trial.

vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Registry of the trial Court, within two week's of his release;

viii) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.
8. 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.
9. All concerned to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**