

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1012 OF 2017

Durgesh Dilip Humbare

...Applicant.

vs.

The State of Maharashtra

...Respondent.

Mr. Harshad Bhadbhade for the Applicant.

Mr. Prashant Jadhav,APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 13th September, 2017.

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.310 of 2016 registered with Dattawadi Police Station ,Pune for the offence under Sections 302, 143, 147, 148, 149 of the Indian Penal Code.

2. The first information report is lodged by Police Officer attached to Janata Vasahat Police Chowki on receiving phone call from one woman intimating him that near the Laboratory of Hire High School one person was found to be in injured condition. The date of incident in the present crime is the intervening night of 12.8.2016 and 13.8.2016. It is the prosecution case that, 4-months prior to the date of incident deceased Laxman Pawar had assaulted juvenile accused namely Bharat Kadam near Azad Mitra Mandal, Janata Vasahat Pune. The said juvenile accused was having grudge in his mind because of the said beating against the deceased Laxman Pawar. That, on 12.8.2016, at about 7.00p.m. Juvenile accused Bharat Kadam along with his two juvenile

friends and three witnesses were consuming beer on the hillock, when deceased Laxman Pawar came there and abused the said persons and asked them to vacate the said place. At that time juvenile accused namely Bharat Kadam told his colleagues that deceased on earlier occasion also had abused and beat him and therefore today we will beat him. Juvenile accused Bharat Kadam and two other juvenile accused persons therefore assaulted the deceased with fist and kick blows and dragged the deceased down from the hillock. Thereafter juvenile accused Mahesh Shivgan gave a call to the present accused Durgesh and Aniket Salunke. In the mean time, juvenile accused Mahesh Shivgan went to Chaitanya Wines situated at Gajanan Maharaj Chowk, Laxminagar and brought liquor and after consuming liquor they again assaulted the deceased Laxman Pawar on the ground that he had assaulted Bharat Kadam four months prior to the date of incident. Other accused persons also assaulted the deceased with fist and kick blows and wooden log. When the deceased tried to escape, accused Raghunath Nachare assaulted him on his head and after Laxman fell down they again assaulted him with wooden log and stones and left the place. During the course of investigation the applicant came to be arrested on 14.8.2016. After completion of investigation police have submitted charge sheet.

3. The prosecution has propounded the circumstance of recovery of the clothes with blood stains which were on the person of the

applicant at the time of incident. The C.A. report suggests that the said blood stains are of human origin, however the blood grouping of the blood is inconclusive. Prima facie, it appears that apart from the said circumstance, there is no other material available on record against the applicant

4. In view of the above, the applicant can be released on bail.

Hence, the following order.

a) The applicant be released on bail in CR No.310 of 2016 registered with Dattawadi Police Station, Pune on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After his release from Jail the applicant shall attend the Dattawadi Police Station, Pune on every 1st and 3rd Monday of the month between 11.00 a.m. to 2.00 p.m.

c) The applicant shall attend all the dates before the Trial Court.

d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

e) The applicant shall not tamper with the evidence and/ or influence the prosecution witnesses.

f) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)