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

CRIMINAL BAIL APPLICATION NO.1111 OF 2017

Prashant Maruti Medhekar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Nitin Sejpal, for the Applicant.

Ms.Anamika Malhotra, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 29th AUGUST, 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.I-156 of 2016 registered with the Ganeshpuri Police Station, for the alleged offences punishable under Sections 302, 120B, 143, 147, 148 and 149 of the Indian Penal Code and under Sections 3, 25(c) of the Arms Act.
3. Learned Counsel for the applicant submits that the applicant

has not been named in the FIR. He submitted that though the applicant was arrested on 31st December, 2016, the identification parade was held after 3 months i.e. on 1st April, 2017. He further submitted that although, one Mahendra Jadhav has identified the applicant, no specific role has been assigned to the applicant. He submitted that a perusal of the 164 statement of Mahendra Jadhav shows that all the accused were assaulting Umesh with fist and kick blows and that it was Akshay Jadhav who with his pistol, fired at Umesh, pursuant to which, Umesh succumbed to the injury. He submitted that investigation is complete and charge-sheet is filed. He further submits that the applicant has no antecedents.

4. Learned APP does not dispute the fact, that there are no antecedents, qua the applicant. She submitted that the applicant has been identified by Mahendra Jadhav.

5. Perused the papers. The incident took place on 16th November, 2016 at about 8.00 a.m. A perusal of the 164 statement of Mahendra Jadhav, an eye-witness to the incident shows, that co-accused – Akshay was present at the spot alongwith 4 unknown persons and that the said persons were

pushing Umesh and that Akshay was abusing Umesh. He has alleged that all the 4 unknown persons were standing around Umesh, when Akshay fired at Umesh. He has alleged that as Akshay threatened him, he left the spot. There are 2 other eye-witnesses to the said incident, however, the said eye-witnesses were not called for the identification parade. No doubt, the applicant has been identified in the identification parade, which was held on 1st April, 2017, however, no overt act has been attributed to the applicant. Admittedly, the applicant is not the person who fired at Umesh. The applicant has no antecedents. Investigation is complete and charge-sheet is filed.

6. Considering the role of the applicant, 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.30,000/- with one or two local solvent sureties in the like amount;

- ii) The Applicant shall attend the concerned Police Station, on the first Saturday 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 contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial;
- vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within one week of his release;
- vii) 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.)