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

CRIMINAL BAIL APPLICATION NO.1195 OF 2017

Deepak Balasaheb Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.M.S.Mohite i/b Mr.A.U.Nikam, for the Applicant.

Mr.Prashant Jadhav, A.P.P for the Respondent-State

API – N.M.Thombre, Indapur Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th 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.142 of 2017 registered with the Indapur Police Station, Pune for the alleged offences punishable under Sections 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. Learned Counsel for the applicant submits that admittedly the applicant had not assaulted the complainant with any weapon. He submitted that although the applicant is alleged to have strangled the complainant with the sleeve of his shirt, there are no injuries on the complainant's neck. He submitted that the only ground for rejecting the applicant's application for bail is, the loan transaction allegedly entered into between the complainant and the applicant.

4. Learned APP opposed the application. He does not dispute the fact, that all the other 6 co-accused have been enlarged on bail by the trial Court. He further submits that the applicant has 3 antecedents, which were registered in the year 2003. Learned Counsel for the applicant states that in all the said 3 cases, the applicant has been acquitted.

5. Perused the papers. According to the complainant-Subhash Tupe, he had obtained a loan of Rs.50,000/- from the applicant and that he had paid around Rs.12 lakhs to the applicant, by way of interest towards the loan. He has further alleged that the applicant was demanding 11 Gunthas of land from him. He has alleged that on 25th February, 2017 at

about 9.00 a.m., when he was in his agricultural field, all the accused came there on their motorcycle. He has stated that all the accused except the applicant assaulted him with lathis and iron pipes. He has further stated that the applicant held his neck and tried to strangulate him with the sleeve of his shirt and tried to kill him. A perusal of the injury certificate shows that the complainant has not received any injuries on the neck. Although, the complainant has received fracture on his hands and legs, the said injuries are alleged to have been caused by the co-accused, who have been enlarged on bail. As far as the loan transaction allegedly entered into between the complainant and the applicant is concerned, it appears that no documents have been placed on record to show any such transaction. It is also not in dispute that the applicant has been acquitted in all the 3 cases registered against him.

6. Considering the aforesaid, 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.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 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 tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial;

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.)