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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1217 OF 2017

Satyaprakash Harilal Yadav

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. S.V. Marwadi i/b Ms. Sampada Mahadik for Applicant.
Ms. A.A. Talekar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 11th September 2017.

P.C.

1] This is third application for bail by the applicant. The applicant is accused in CR No.I-371 of 2013 registered with Goregaon Police Station, Mumbai under Section 302, 201 of the Indian Penal Code.

2] It is the prosecution case that, the deceased Mohd. Babu Abdul Hasan Choudhary was having ill-eye on Smt. Savita Godse, wife of co-accused Santosh Godse. That on the date of incident i.e. on 7.10.2013, it is alleged that the applicant along with Nilesh Godse, Santosh Godse and Shankar Godse due to the said reason assaulted deceased- Babu Choudhary

with sickle and fist blows. It is alleged that, the applicant also assaulted deceased by sickle. It is alleged that the applicant and other co-accused, with a view to screen the evidence, threw the body of deceased at Goregaon (west). During the course of investigation the applicant was arrested on 12.10.2013. After completion of investigation, police have submitted chargesheet.

3] The prosecution has put forwarded two circumstance namely finding of blood on the clothes of the applicant and last seen together with deceased in the house of Nilesh Godse. The record indicates that the applicant had also suffered injury and his own blood stains were found on his clothes at the time of seizure. It is the case of the applicant that, when Nilesh Godse tried to assault deceased Babu Choudhary with the aid of sickle, the applicant tried to resist him from the assault and at that time applicant also received injury to his thumb. When the applicant tried to save deceased from other persons, blood of deceased splashed on the clothes of the applicant. The said argument of the applicant can be better appreciated at the time of trial. It is submitted that there are no antecedents to the discredit of the applicant.

4] In view of the above and in view of the fact that the applicant is behind bars for about 4 years, this Court is of the view that the applicant

can be released on bail.

Hence, the following Order:

(i) The applicant be released on bail in CR No.I-371 of 2013 registered with Goregaon Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Goregaon Police Station once in month i.e. on every 1st Monday of the said month between 11.00 a.m. to 2.00 p.m.

(iii) The applicant shall also attend all the dates before the Trial Court.

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

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

(vi) Criminal Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)