

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1463 OF 2017**

Rahul Ramesh Kshirsagar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. V. V. Purwant i/b Mr. Vaibhav R. Gaikwad for the Applicant

Ms. Rutuja Ambekar, Nakhwa, A.P.P for the Respondent-State

API Mr. D. R. Londhe from Wakad Police Station, Pune City, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 20th JULY, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 560 of 2016 registered with the Wakad Police Station, Pune, for the alleged offences punishable under Sections 435, 436, 511 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that the applicant has been falsely implicated in the said case. He submits that the

applicant is in custody since 28th September, 2016 and that investigation is complete and charge-sheet is filed. Learned A.P.P states that the applicant had motive to commit the alleged offence, inasmuch as, an NC was lodged as against him.

4. Perused the papers. According to the complainant–Raju Ashok Pardeshi, the incident took place on 28th September, 2016, when he was sleeping in the house at 12:45 p.m. He has alleged that he first smelt something burning and hence, woke up, looked outside the house, and saw that his motorcycle was set on fire. He has alleged that he saw the applicant and two other co-accused i.e. Akshay and Imran running from the said spot. He has alleged that Akshay was holding a plastic bottle and he set the motorcycle on fire. *Prima facie*, it appears that there are witnesses to the said incident, who have seen the applicant running from the spot. The applicant has been in custody since 28th September, 2016. Investigation in the said case is complete and charge-sheet is filed. Accordingly, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial;
- (v) The applicant to file an undertaking with regard to clauses (ii) to (iv) in the trial Court, within two weeks of his release;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5. The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.