

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1646 OF 2017

Samadhan Hilal Nikam

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Aniket Nikam i/b Ashish Satpute for Applicant.

Ms. A.A. Takalkar APP for State.

CORAM: A.S. GADKARI, J.

DATE : 11th September 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.I-288 2016 dated 22.9.2016 registered with Indiranagar Police Station, Nashik under Section 302 of the Indian Penal Code.

2] It is the prosecution case that, applicant and deceased Akash Varma were working in the Patco Company at Ambad, Nashik. The said Company had taken one twin bungalow on rental basis for accommodation of its workers. That deceased Akash Varma used to abuse applicant and there were altercations between them. It is alleged that, the applicant had

extended threat of dire consequences to the deceased. That on 21.9.2016 between 1 p.m to 5 p.m there were serious altercations between applicant and deceased Akash Varma. That the deceased was residing in the lower floor bedroom and applicant was residing in upper floor bedroom. On the date of incident, deceased was sleeping in his bedroom. At that time, with a view to take revenge, applicant assaulted deceased with wooden bat and thereafter locked the said room from outside and ran away. During the course of investigation, applicant came to be arrested on 26.9.2016. After completion of investigation, police have submitted chargesheet.

3] Prima facie it appears that there is only one circumstance against the applicant, i.e. clothes of the applicant were found sustained with blood of deceased. The report of Chemical Analyzer supports the contentions of the prosecution. However, prima facie there is no other further circumstantial evidence against the applicant. It is submitted that there are no antecedents at the discredit of applicant.

4] In view thereof, 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-288 of 2016 registered with Indianagar Police Station, Nashik on 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 Indiranagar 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.)