

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

BAIL APPLICATION NO. 1678 OF 2017

Prakash Sudam Jadhav

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Aniket Nikam i/b. Aashish Satpute for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 25th SEPTEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 241/2015 dated 18/07/2015 registered with Shirur Police Station, District Pune under Sections 302, 394, 397, 120(b) read with Section 34 of Indian Penal Code.

2 First Information Report is lodged by Suresh Satarkar an injured witness on 19.07.2015 for an incident which took place on 18.07.2015 after 9.00 p.m. It is the prosecution case that, the Applicant along with other accused persons committed robbery on highway after sunset and while committing the said robbery the accused assaulted first informant and his father Prakash Satarkar with wooden log. The father of first informant namely Prakash Satarkar became unconscious on the spot and therefore, he was admitted in the hospital, where he succumbed to injuries on 20.07.2015. The probable cause of death mentioned by

the Medical Officer in postmortem notes is “death due to head injury”. During the course of investigation, Applicant came to be arrested on 31.07.2015 and after completion of investigating, police have submitted charge-sheet.

3 Perused the charge-sheet. The record indicates that First Information Report was lodged against unknown persons. That the Applicant was accompanying principal accused Deepak Gunjal to whom the role of assault with wooden log on the first informant and his father Prakash Satarkar (deceased) has been attributed. It further appears from record that after Accused No.1 Deepak assaulted the first informant with the said wooden log, the first informant and his father collapse from the scooter and thereafter, Accused No.1 again gave two more blows with the wooden log on the head of Prakash Satarkar and the Accused No.1 Deepak Gunjal, thereafter, took the two wheeler vehicle of the first informant and ran away from the scene of offence. In the test identification parade conducted by the investigating agency, the first informant identified the present Applicant as a person who was chatting with other two accused persons at the scene of offence.

4 Prima facie it appears that, the first informant has not disclosed any reason for specifically identifying the present Applicant in the said test identification parade. It prima facie appears that apart from the said material, there is no other evidence against the Applicant in the present crime. In view thereof, the Applicant can be released on bail.

Hence, following order:-

- i) The applicant be released on bail in CR No.241/2015 dated 18.07.2015 registered with Shirur Police Station, District Pune 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 jail, the applicant shall attend Shirur Police Station once in month i.e. on every 1st Monday of the month between 11.00 a.m. to 2.00 p.m. initially for the period of six months and thereafter, once in three months i.e. first Monday of every third month till conclusion of trial.
- iii) The applicant shall also attend all 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 pressurize or threaten the prosecution witnesses.
- vi) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)