

Anand

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

BAIL APPLICATION NO. 2172 OF 2017

Sandeep Dattaram Devalekar

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Abhishek Yende, Advocate, for the Applicant

Mr. N. B. Patil, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 06.11.2017

P.C.

. This is an application under Section 439 of Cr. P.C. for bail in CR No. 24 of 2017 registered with the Vijaydurg Police Station, District – Sindhudurg under Sections 302, 201, 504 & 506 of the Indian Penal Code.

2. It is the prosecution case that on 25.02.2017 at about 8.00 p.m., deceased – Deepak Ghadi was with his sister – Pushpa and was talking on mobile phone. That the Applicant perceived a misunderstanding that the deceased was talking something adverse to him and therefore, he assaulted the deceased with a sharp edged weapon on his stomach and thereafter, with a view to cause disappearance of

evidence threw the said weapon somewhere. The first information report is lodged on 11.04.2017 i. e. after a period of about two months. During the course of investigation, the Applicant came to be arrested on 11.04.2017. After completion of investigation, police have submitted charge-sheet.

3. The record indicates that, first information report is lodged by father of deceased after a gap of about two months. It prima facie appears that the first informant has not mentioned true and correct facts in the first information report and are contrary to the information provided by him to Dr. Raghunath Pokale who extended first aid to deceased – Deepak Ghadi. The record further clearly indicates that the weapon used in the present crime is not recovered till date at the instance of the Applicant. The eye witness of the incident i. e. the sister of the Applicant namely Smt. Pushpa has not been examined by the prosecuting agency inter alia her statement is not recorded. The medical record annexed to the charge-sheet indicates that it is a case of single blow and prima facie, it is difficult to hold that the Applicant was having intention to commit culpable homicide of the deceased.

4. In view of the above, the Applicant can be released on bail.

Hence, the following Order:

- (i) The Applicant be released on bail in C.R.No. 24 of 2017 registered with the Vijaydurg Police Station, District – Sindhudurg on his furnishing PR bond of Rs.25,000/- with one or two local solvent sureties in the like amount;
- (ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses;
- (iii) After his release from the jail, the Applicant shall attend the concerned police station every 1st Monday of the month between 10.00 a.m. to 12.00 noon till filing of final report/complaint.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)