

Anand

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

BAIL APPLICATION NO. 2237 OF 2017

Shubham Sanjay Bhandalkar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. P. G. Sarda, Advocate, for the Applicant
Mr. Rajan Salvi, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 17.11.2017

P.C.

. This is an application under Section 439 of Cr. P.C. for bail in CR No. 178 of 2017 registered with Khed Police Station, Pune (Rural) under Sections 302, 143, 147, 149, 504 & 506 of the Indian Penal Code.

2. It is the case of prosecution that on 16.05.2017 at about 4.00 p.m., the Applicant alongwith other four accused persons had been to a restaurant within the jurisdiction of Rajgurunagar Police Station, Pune for having a tea. They demanded a lemon from the waiter namely Chetan Vadhane (deceased). On the said demand of lemon, there were altercations between the deceased Chetan Vadhane and the accused persons. That the accused persons assaulted the said waiter Chetan

Vadhane with fist and kick blows on his stomach, back and chest. The deceased, thereafter, was taken to local hospital for treatment and thereafter, was shifted to YCM Hospital, Pune. The deceased expired on 19.05.2017 at about 1.30 p.m. In the premise, the first information report is lodged by Smt. Sangeeta Lanku Vadhane. During the course of investigation, the Applicant came to be arrested on 20.05.2017 and after completion of investigation, police have submitted charge-sheet.

3. Perused the charge-sheet. The record indicates that on the date of incident i. e. on 16.05.2017, the Applicant alongwith other accused persons had been to the concerned restaurant and demanded a lemon from the waiter Chetan Vadhane (deceased) and on that count, there were altercations and the accused persons, therefore, assaulted the deceased with fist and kick blows. The record further indicates that till 19.05.2017, the deceased was conscious and was taking treatment at the said YCM Hospital, Pune. Prima facie, it is difficult to accept the application of section 302 of the Indian Penal Code to the present crime.

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 CR No. 178 of 2017 registered with Khed Police Station, Pune (Rural) 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 concerned Police Station every Monday between 10.00 a.m. to 12.00 noon till filing of final report/charge-sheet;

(iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)