

Dond

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

BAIL APPLICATION NO. 2274 OF 2017

Nilesh Bhagwan Badade

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Anand Patil for Applicant.

Mr. S.S. Hulke, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 6th DECEMBER 2017

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 271 of 2016 dated 30.12.2016 registered with Saswad Police Station, District- Pune (Rural) under Sections 302, 341, 504, 506, 323 r/w 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] It is the prosecution case that, due to earlier enmity the applicant along with other accused persons assaulted deceased Saurabh with wooden logs on 30.12.2016. Deceased Saurabh succumbed to injuries. The first information report is lodged by Smt. Sangita Khomne, the mother of the deceased. During the course of investigation, the applicant came to

be arrested on 30.12.2016. After completion of investigation, police have submitted chargesheet.

4] It is the defence of the applicant that, on the date and time of the incident he was on his duty at Shital Metals Pvt. Ltd at Hivare Village, Taluka Purandar, District-Pune. The owner of the said factory namely Mr. Kiran Jagtap in his statement dated 18.2.2017 confirmed the said fact. Prima facie it appears that the version of the first informant is little exaggerated as far as the applicant is concerned.

5] In view thereof, the applicant can be released on bail.

Hence, the following Order:

(i) The applicant be released on bail in CR No. 271 of 2016 registered with Saswad Police Station, 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 the concerned Police Station on 1st Monday of every month between 10.00 a.m. to 1.00 p.m.

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

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)