

Anand

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

BAIL APPLICATION No.2282 OF 2016

Shrikant alias Sunny Sunil Pagare

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.Aniket U. Nikam i/b. Mr.Ashish Satpute, Advocate, for the
Applicant

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

CORAM : REVATI MOHITE DERE, J.

DATE : 06.04.2017

P.C.

. Heard learned counsel for the Applicant and the
learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his
enlargement on bail in connection with C.R.No.I-125 of 2016
registered with the Sarkarwada Police Station, Nashik, for the
alleged offences punishable under Sections 302, 323, 504, 506
r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant submitted that the
incident in question took place on the spur of the moment, after
an altercation between the Applicant and the deceased. He

submits that in the said quarrel, the Applicant is alleged to have picked up a brick lying at the spot and thrown it on the deceased. He submits that the Applicant has no antecedents.

4. Perused the papers.

5. The complaint is lodged by Sandeep Madhukar Gosavi, a friend of Swagat Kansara(deceased). According to the complainant, on 15.05.2016 when he was sitting and chatting with his friend Deepak Tambat, he saw the Applicant, co-accused Rohit Sapte and the deceased chatting with each other at around 4.45 p.m. He has stated that suddenly, he heard them quarreling loudly. He has stated that the Applicant and co-accused Rohit started abusing Swagat and threatened to kill him and accordingly, picked up bricks which were lying at the spot and threw it on Swagat. He has stated that the accused also assaulted Swagat with fist and kick blows. The incident in question, appears to have taken place on the spur of the moment, pursuant to an altercation between the Applicant, his friend and the deceased. Investigation is complete and charge-sheet is filed. It is not disputed by the learned APP that there are no antecedents against the Applicant.

6. Considering the aforesaid, Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the **first Monday of every month** between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the

applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)