

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

BAIL APPLICATION No. 1380 OF 2018

Mr. Omkar Uday Kulkarni

...Applicant

Vs.

State of Maharashtra

...Respondent

Mr. Shashikant P. Chaudhari a/w. Ms. Snehal S. Chaudhari a/w. Mr. Nilesh G. Tank a/w. Mr. Pranot P. Pawar i/b. Maharashtra Law Associates for Applicant
Mr. Prashant Jadhav-APP
Mr. Malojirao B. Deshmukh-API, Mhaswad Police Station, Satara

CORAM : SMT. SADHANA S. JADHAV, J.
DATE: JULY 4, 2018

P.C.

1. Heard. This is an application filed under Section 439 of the Criminal Procedure Code.
2. The Applicant herein is arrested on 13th January, 2018 in Crime No. 1 of 2018 registered at Mhaswad Police Station for the offences punishable under Section 395, 307, 332, 353 of the Indian Penal Code.
3. It is the case of the prosecution that on 8th January, 2018, The Kotwal of the said village viz. Krushnadev Gujar was admitted in the Civil Hospital with

some injuries. Being a medico legal case, the statement of the injured was recorded. He disclosed to the police that he was working as a driver on the vehicle of Tahasildar of the said village. On the said date, as per the order of Tahasildar, under a secret information, they had decided to conduct raid at Taluka Maan. There were patrolling parties. They had been to the spot at about 11.45 p.m. i.e. at Veerkar Wadi. They had seen some tractors and dumper which were carrying the sand. He had called upon the other staff. He had followed the Bollero Vehicle. The driver of the dumper had suspected the moves of the patrolling parties. Thereafter, he had increased the speed of the said dumper. The dumper had met with an accident. In the meanwhile, a white car reached at the spot and some persons from that car had mounted assault upon the complainant with sticks, iron rod and wooden rod. They had heard the voice of one of the accused calling upon the other as Gopichand Padalkar and he had also seen Balu Pise and Deepak Bangar. The Applicant has been named as one of the members of the said group and no specific role has been attributed to him.

4. The learned counsel for the Applicant submits that the Applicant is 19 years' old. He is original resident of Atpadi and that he had been to the said village of his maternal uncle for studying Vedas and that he has been falsely

implicated.

5. The learned APP, upon instructions, submits that there are no criminal antecedents in respect of present Applicant.

6. Be that as it may. The Applicant has been in custody for more than six months. The investigation is completed and the charge-sheet is filed. In view of this, the Applicant deserves to be enlarged on bail. The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or more sureties in the like amount.
- (iii) The Applicant shall co-operate with the investigating agency, as and when called.

Bail Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]