

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

BAIL APPLICATION NO.1559 OF 2018

Kiran Ravindra Dhane ...Applicant (accused No.10)
Versus
The State of Maharashtra ...Respondent

**WITH
BAIL APPLICATION NO.1560 OF 2018**

Sohel Iqbal Bagwan ...Applicant (accused No.9)
Versus
The State of Maharashtra ...Respondent

**WITH
BAIL APPLICATION NO.1561 OF 2018**

Amar @ Shrirang Sanjay Ghadge ...Applicant (accused No.11)
Versus
The State of Maharashtra ...Respondent

**WITH
BAIL APPLICATION NO.1562 OF 2018**

Sameer Suraj Bagwan ...Applicant (accused No.12)
Versus
The State of Maharashtra ...Respondent

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Mr. Ajay Dinode with Mr. Kirankumar Phakade I/b. Ms Leena R. Temkar for the Applicants.

Mr. S.R. Agarkar, APP in BA/1559/2018 and BA/1561/2018.

Mr. S.S. Pednekar, APP in BA/1560/2018 and BA/1562/2018.

Mr. D.D. Chougule, Police Sub Inspector, Koregaon Police Station, District-Satara, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th AUGUST, 2018.

P.C.:-

These are the applications under Section 439 of Cr.P.C. filed by the aforesaid Applicants/accused, who are facing trial in Sessions Case No.17 of 2018 on the file of the learned Additional Sessions Judge, Satara for the offences punishable under Sections 109, 120 B, 216, 302, 326 r/w. Section 34 of the IPC.

2. Heard the learned counsel for the Applicants and the learned APP for the Respondent -State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The said case arises from C.R. No.224 of 2017 registered at Koregaon Police Station, pursuant to the FIR dated 22.8.2017 lodged by Mandar Barge. A perusal of the FIR prima facie reveals that on 21.8.2017 Karan Bankar had abused and assaulted Shubham Barge. On the same day the first informant and his friend Shambhu(deceased) and others questioned Karan Bankar about the incident. It is alleged that at that time Arjun Dere assaulted Akshay Barge on his right leg by an iron rod and that Karan Bankar had tried to assault Shambhu Barge by a knife. Said Akshay had suffered a fracture and he was admitted in Dr. Patil Hospital, Koregaon.

4. On the same date at about 9.30 p.m. Shambhu Barge visited Akshay in the hospital and enquired about his health and thereafter left the hospital. At about 10.27 p.m. Shambhu Barge called the first informant and told him that he had been assaulted and called him near Shivratri Hotel. The first informant and others went near Shivratri Hotel and found that said Shambhu had sustained a stab injury and was lying in a pool of blood. While they were shifting Shambhu to the hospital, Shambhu informed them that he was assaulted at the instance of Jaywant Pawar. Said Shambhu expired at Sanjivani hospital on 22.8.2017 at about 4.15 a.m. Based on the said information aforesaid crime came to be registered against Jaywant Pawar and others.

5. It is pertinent to note that the Applicants were not involved in actual incident of assault or the incident that preceded the assault. The Applicant Kiran (Accused No.10) is implicated in the crime on the ground that after the incident he had allowed the accused to hide in a shed. The Applicant-Sohel (Accused No.9) is alleged to have helped accused Arjun, Aditya and Ganesh in filling fuel in their motorcycle whereas the Applicant-Amar (Accused No.11) had helped the said accused to evade arrest by keeping them abreast of the situation. The

Applicant-Sameer (Accused No.12) is alleged to have provided the weapon of offence to the accused Arjun and Aditya.

6. The material on record does not prima facie indicate that the Applicants-Kiran Dhane, Sohel Bagwan, Amar @Shrirang Sanjay Ghadge and Samir Bagwan were directly involved in the incident and that they had knowledge about the incident. The allegation against Samir, as reflected in the statement of Jeevan Dixit is that the accused Arjun and Babu had entered the house of Samir Bagwan and that when they came out he had seen Arjun Dere holding a knife in his hands. The statement of this witness does not prima facie indicate that said Samir had provided the knife or that he was directly involved in committing the crime or that he had abetted committing the crime.

7. Considering the nature of the allegations and the fact that the Applicants are in custody for almost a period of one year and that the investigation is completed and the charge sheet is filed, in my considered view their presence is no longer required in the custody.

8. Hence, the following order:-

(i) The bail application is allowed.

(ii) The Applicants are ordered to be released on bail on

furnishing bail bonds of Rs.25,000/- each with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Satara.

(iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the learned Additional Sessions Judge as well as the Investigation Officer.

(iv) The Applicants shall not change their residential addresses without prior intimation to the Court and the concerned Investigation Officer.

(v) The Applicants shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)