

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

BAIL APPLICATION NO. 2029 OF 2018

Vinod @ Binnu Lawha Waghmare ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Rajaram Bansode for the Applicant.

Mr. S.R.Agarkar for the Respondent/State.

Mr. P.B.Sorter, Police Naik, buckle no. 545 from Mhaswad Police Stn.
Present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : August 30, 2018.

P.C.

1. This is an application under Section 439 of Cr.P.C. filed by the aforesaid applicant who has been arrested in C.R.No.1 of 2018 registered at Mhaswad Police Station for the offences punishable under Section IPC.

2. Heard Mr. Bansode, the learned Counsel for the applicant and Shri Agarkar, the learned APP for the State. Perused the records.

3. The aforesaid crime was registered pursuant to the FIR lodged by Krishnadev Gujar, who at the relevant time was working as Kotwal

at Village Ranand, Taluka Man, District Satara. The FIR prima facie reveals that the Tahasildar had formed a squad of his employees to stop the illegal excavation and transportation of sand from the river. It is alleged that on 6th January, 2018 while discharging his duties as Kotwal, the first informant noticed one dumper loaded with sand . As he was chasing the said dumper, the driver of dumper got suspicious and he drove the dumper at a high speed, and as a result the driver lost control of the vehicle , and the vehicle turned turtle. It is alleged that at the relevant time one white car came to the spot, six persons armed with wooden logs, iron logs etc alighted from the car, and they started assaulting and threatening the complainant, and while assaulting the complainant they snatched amount of Rs.4000/- and some other important documents from his possession. It is also alleged that they tried to cause his death by running the vehicle over him.

4. It may be mentioned here that the co-accused Omkar Kulkarni, Sagar Sule, Amar Koli and Nitin Matkari, against whom similar allegations are levelled have been released by this Court by Order dated 4th July, 2018. Considering the said fact, the applicant is

entitled for bail on the ground of parity. Even otherwise, investigation is over, chargesheet is filed and the presence of the accused is not required in custody.

5. At this stage, the learned APP submits that the applicant was earlier involved in crime nos. 69 of 2014 for the offence under Section 395, 323 IPC and Crime No. 111 of 2014 for offences under Section 279, 336, 143, 147, 148, 188 IPC of Atpathi Police Station and that the applicant is not entitled for bail in view of his antecedents.

6. The learned Counsel for the applicant makes a statement that the applicant will stay away from Village Zore till the trial is completed. Statement accepted.

7. Considering the facts of the case and in the light of the statement made by the learned Counsel for the applicant, the applicant is ordered to be enlarged on bail on the following terms and conditions:-

(i) The applicant be released on bail on furnishing P.R bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned

Sessions Judge at Waduj;

(ii) The applicant shall not interfere with the complainant and the other witnesses in any manner;

(iv) The applicant has provide his permanent as well as temporary address, if any, and his contact details to the Court seized of the matter and to the Investigation Officer;

(v) The applicant shall stay away from village Zore till the completion of trial;

. Application is allowed in above terms.

(ANUJA PRABHUDESSAI, J.)