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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No. 266 OF 2018

Shubham @ Guddu Ankush Sanas                      ...      Applicant  
Vs.  
The State of Maharashtra                                      ...      Respondent

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Mr. Vikas B. Shivarkar, for the Applicant.

Mr. V. M. Nakhwa, APP for the Respondent – State.

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CORAM : P. N. DESHMUKH, J.

DATE : MARCH 22, 2018

PC :-

1.            Heard learned counsel for Applicant and learned Additional Public Prosecutor for Respondent-State. This application is filed for grant of bail by one of the accused involved in C. R. No. 12 of 2016 registered by Saswad Police Station, Pune for the offences punishable under Section 307, 341, 325, 323, 143, 147, 148, 149, 504,506 of Indian Penal Code.

2.            Learned counsel for Applicant by referring to report dated 16.1.2016 lodged by one of the eye witnesses has submitted that no name of Applicant is mentioned therein. Learned counsel further

referred to the statement of injured recorded when he was in hospital immediately after the incident on 16.1.2016, and submitted that in said statement he has not implicated Applicant. Similarly, learned counsel has then referred statement of independent eye witness Mhaskoo, which is recorded immediately after the incident and by referring to the contents of these documents he submitted that neither of them implicated Applicant in any manner except for naming co-accused Vinod Badade. But complainant Rajesh, injured Shantaram and sole eye witness Mhaskoo in their additional statements which are recorded two months after the incident on 15.3.2016, had involved Applicant as assailant of Shantaram to have assaulted by sickle on his face, forehead. It is therefore, submitted that on the facts as aforesaid, as it is clearly established that Applicant's involvement is afterthought, contended that as investigation is complete, charge-sheet is filed, Applicant be released on bail by imposing suitable conditions.

3. Learned APP has opposed application contending that from the supplementary statements of injured, complainant as well as eye witness, Applicant's involvement is established which is corroborated with the injury certificate of Shantaram and has thus,

submitted that as there is direct evidence, application be rejected.

4. Learned APP, however, could not convince the Court as to why complainant, injured as well as eye witness Mhaskoo though had not named Applicant in their statement recorded immediately after the incident on 16.1.2016, but had implicated Applicant in the subsequent statement recorded two months thereafter.

5. Considering the facts as aforesaid, perusal of report reveals that Shantaram, the eye witness had named one co-accused and has contended that complainant has named Vinod Badade and has stated that he was accompanied with six others who have committed assault. Admittedly, name of Applicant nor of any other assailants are mentioned in the report. Similar are statements of injured as well as eye witness which are also recorded immediately after the incident on 16.1.2016. However, it is surprising to note that two months thereafter in the subsequent statement of above witnesses Applicant is implicated to have committed an assault on Shantaram by sickle on his forehead. This fact itself is sufficient to establish false involvement of Applicant and by way of afterthought. Having considered evidence against Applicant as aforesaid, application is allowed as per order below:

- (i) Applicants be released in C. R. No. 12/2018 registered by Saswad Police Station, on bail on his executing PR bond in the sum of Rs. 25,000/- with one surety in the like amount;
- (ii) Applicant shall attend Saswad Police Station, Pune on the first day of each month initially for a period of six months, and thereafter quarterly on the first day of such months, pending trial;
- (iii) It is made clear that learned Trial Court shall not get influenced by any of the observations made herein, and shall independently evaluate evidence in the trial.
- (iv) Application is accordingly disposed of in the aforesaid terms.

Sd/-  
[P. N. DESHMUKH, J.]

Vinayak Halemth