

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

BAIL APPLICATION NO.415 OF 2018

Lakhan Deepak Jedhe	...Applicant
Versus	
The State of Maharashtra	...Respondent

.....

Mr. Ganesh Gole i/b. Mr. Ateef Shirodkar for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent -State.
Mr. S.B. Ghumare, Dy.S.P., Sakri Division, Dhule is present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 27th AUGUST, 2018.

P.C.:-

This is an application for bail filed by the aforesaid Applicant, who has been arrested in Crime No.150 of 2017 registered at Dhule City Police Station, for offences punishable under sections 302, 120 B, 504 and 506 of the IPC and sections 3/25 and 4/25 of the Arms Act.

2. It is the case of the prosecution that on 18th July, 2017 at about 6.15 p.m. the co-accused Rajendra Devre had caused death of Guddya while he and the first informant Mr. Shaikh Farukh Fattu were sitting at a tea stall. It was also alleged that the co-accused Bheema and Dadu, brothers of accused-Rajendra Devre had also come to the

place of the incident and that they too inflicted injuries on said Guddya.

3. It is to be noted that the name of the Applicant was not disclosed in the FIR. The only incriminating material against the Applicant is the statement of one of the witnesses, who had stated that the present Applicant had purchased clothes i.e. three-fourth pant, one T-shirt, and one night dress for the accused No.9. In my prima facie view, the mere fact that the Applicant herein had purchased some clothes for the accused No.9, cannot be considered as incriminating material. It is to be noted that while dismissing application for bail, the learned Sessions Judge has observed that there was also material to show that the Applicant had paid money to the accused No.11 -Vikram. The learned APP concedes that there is no material on record to show that the Applicant was involved in paying any money to the accused No.11. There is no other material to prima facie indicate that the Applicant was involved in the crime.

4. Considering the nature of the allegations as well as the nature of material as against this Applicant, and also considering the fact that charge sheet has already been filed, in my considered view

the presence of the Applicant is no longer required in the custody.

5. Hence, the following order :

- (i) The bail application is allowed.
- (ii) The Applicant be released on bail on furnishing bail bonds of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge (M.C.O.C. Court), Nashik.
- (iii) The Applicant shall furnish his permanent as well as temporary residential address, if any and all his contact details to the concerned Investigating Officer.
- (iv) The Applicant shall not change his residential address without prior intimation to the Additional Sessions Judge (M.C.O.C. Court), Nashik
- (v) The Applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Shridhar
Parab

Digitally signed by
Megha Shridhar
Parab
Date: 2018.08.30
18:04:34 +0530