

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.682 OF 2018

Chandrakant Maruti Navale	..	Applicant
Versus		
State of Maharashtra	..	Respondent

WITH

BAIL APPLICATION NO.811 OF 2018

Dinesh Maruti Dhawade	..	Applicant
Versus		
State of Maharashtra	..	Respondent

Mr. Nitin Baban Kamble for applicant in B.A.No.682 of 2018
Mr. Aniket U. Nikam for applicant in B.A.No.811 of 2018
Ms. Veena Shinde, APP for State in both
Mr. R.S.Sarde, P.S.I. Khadak Police Station, Pune.

CORAM : SMT. SADHANA JADHAV, J.

DATE : 31st July 2018.

P.C.

1] Heard. These are the applications under section 439 of the Cr.P.C. The applicant – Chandrakant Navale in B.A.682 of 2018 was arrested on 20th July 2017 and applicant – Dinesh Dhawade in B.A.811 of 2018 is arrested on 23rd September 2016 in C.R.No.267 of 2016, registered with Khadak Police Station, Pune for offences

punishable under sections 302, 120-B, 143, 147, 148, 149 of IPC and under section 3(25) of Arms Act and 37(1)(3) read with 135 of Bombay Police Act. The investigation is completed and charge sheet is filed.

2] It is the case of prosecution that on 23rd September 2016 Sangram Khamkar lodged a report at the police station alleging therein that on that day Arjun Devkar had been to his house. In the evening, they had gone for a ride. One Sunil Khopde had also joined them and, thereafter, they proceeded to have tea. On their way they saw Sonya Dhawade, Amol Giri, Ritesh Pawar, Dinesh Dhavade (applicant in B.A.No.811 of 2018), Shashikant Ghule, Atul Ghule, Chandrakant Navale (applicant in B.A.No.682 of 2018), Pappi Shirke were rushing towards them. They were armed with weapons. Some of them i.e. Sonya Dhawade and Ritesh Pawar, were armed with revolvers. It is alleged that the present applicants were also in the company of principal accused on that day. Arjun was admitted in the hospital. He was discharged from the hospital on 23rd October 2016. He was to be operated once again after two months. On 2nd December 2016, he had disclosed to the police as

stated above. The only role attributed to the present applicant is that they were present at the spot when he was assaulted by the principal accused Sanjay Dhawade and others.

3] Arjun Devkar had succumbed to the injuries on 6th December 2017 and, thereafter, Section 302 of IPC is added. There are no criminal antecedents as against Chandrakant Navale whereas there is one offence registered against Dinesh Dhavade. There is no specific role attributed to the present applicants.

4] Perused the papers of investigation. Injury certificate of Arjun indicates that he had sustained four gunshot injuries and several injuries attributed to hard and blunt object. The two persons armed with revolver are still in custody.

5] It is also not the case of the prosecution that the applicants had actually participated in the assault. Learned APP submits that the applicants were present on the spot and that the common object was accomplished. However, that may be a matter for consideration at the time of trial. As of today, since, no specific

overt act is attributed to the applicants, the applicants deserve to be enlarged on bail. The observations are restricted to an application under section 439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of F.I.R., Discharge application or at the time of trial.

6] As Hence, following order:-

(a) Both the applications i.e. B.A.No.682 of 2018 and B.A.No.811 of 2018 are allowed;

(b) Both the applicants i.e. (i) Chandrakant Navale and (ii) Dinesh Dhawade respectively be released on bail in the sum of 50,000/- each with one or more sureties in the like amount;

(c) The applicants shall not enter into the jurisdiction of Khadak police station till the charges are framed;

Yogeshwar
Bhalchandra
Gokhale

Digitally signed by
Yogeshwar Bhalchandra
Gokhale
Date: 2018.08.06 20:13:22
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(SMT. SADHANA JADHAV, J.)