

15-BA 1200 of 2018

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

**BAIL APPLICATION No. 1200 OF 2018**

**Sagar Vithalrao Jadhav**

**...Applicant**

**Vs.**

**The State of Maharashtra**

**...Respondent**

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Mr. A.P. Mundargi, Senior Counsel i/b. Ms. Shraddha Sawant for Applicant

Mr. Y.Y. Dabke -APP

Mr. Vijay Dhamal, PI, Panchvati Police Station, Nashik

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**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATE: JULY 4, 2018**

**P.C.**

1. Heard. This is an application under section 439 of the Criminal Procedure Code.

2. The Applicant herein is arrested on 14<sup>th</sup> July, 2017 in Crime No. 201 of 2017 registered at Panchavati Police Station punishable under Section 302, 120(B), 212, 143, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act. The Applicant herein is Accused No.4.

3. It is the case of the prosecution that the FIR was lodged by the maternal

cousin of Kiran and he had disclosed that Kiran was accosted by Santosh Ughade and Santosh Pagare on 18.5.2017 and, thereafter, the accused persons had mounted assault upon him. He had succumbed to the injury immediately. On the basis of the said statement, Crime No. 201 of 2017 came to be lodged. On 19<sup>th</sup> of May, 2017, the supplementary statement of the First Informant was recorded and even then he had not named the accused as one of the assailants of Kiran on 1<sup>st</sup> June, 2017 i.e. after a fortnight, a supplementary statement was recorded. He had disclosed that since he was scared, he had not named Sagar Jadhav, Vikki Panjabi and Chotu. The prosecution placed implicit reliance of the co-accused.

4. The learned counsel for the Applicant submits that he has no role to play in the homicidal death of Kiran. It is also alleged that there are as many as 110 injuries on his person. It is clear that the victim had actually been butchered to death.

5. As far as the role of the present Applicant is concerned, no specific role has been attributed to him. In view of this, the Applicant deserves to be enlarged on bail. The observations are prima facie in nature and shall not be considered for discharge or at the time of trial. Hence, the following order:

**ORDER**

- (i) Application is allowed.
- (ii) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- and one or more sureties in the like amount.
- (iii) The Applicant shall not reside into the jurisdiction of Pachvati Police Station till conclusion of the trial. Within one week after his release, the Applicant shall furnish the details of the residence, cell phone and other details to the investigating agency.

Criminal Bail Application stands disposed of in the aforesaid terms.

**[SMT. SADHANA S. JADHAV, J.]**