

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1301 OF 2018

Kiran Kailash Bandavne	...Applicant.
vs.	
State of Maharashtra	...Respondent.

Mr. Aniket Nikam with Aashish Satpute i/by Mr. Vivek Arote for the Applicant.
Smt.J.S.Lohokare,APP for the Respondent-State.

CORAM : A.S.GADKARI, J.
DATE : 26th November, 2018

P.C.

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in CR No.1281/2017 registered with Chakan Police Station, District Pune under Sections 302, 404, 397 read with 34 of the Indian Penal Code.
2. Heard the learned counsel appearing for the applicant and the learned APP. Perused the charge sheet annexed to the application.

The persecution case in brief is that, with a view to commit robbery of the valuable articles of the deceased

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Dhananjay Choudhary the applicant along with two other accused assaulted him with stone and committed his murder. The accused persons thereafter committed theft of valuable articles of the deceased. Initially a crime was registered against the unknown persons. During the course of investigation the applicant came to be arrested on 16.1.2018 and after completion of investigation the police have submitted charge sheet.

3. The only circumstance which is at present propounded against the applicant is that, a chain made up of silver metal which was belonging to the deceased was seized at the instance of the applicant under Section 27 of the Evidence Act. That the said chain was having some blood stains and the said chain is now sent to Chemical Analyzer for forensic analysis. The record indicates that, the said silver chain was shown to the wife of the deceased namely Harshada Choudhary. She has identified the same however, her statement is silent about the fact that, there were any blood stains on it.

4. The learned APP. submitted that, the applicant is

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earlier involved in the crime under Section 379 of the Indian Penal Code. However, after taking into consideration the aforesaid fact, I am inclined to release the applicant on bail.

5. Hence, the following order.

- a) The applicant be released on bail in CR No.1281/2017 registered with Chakan Police Station, District Pune on his furnishing PR bond of Rs.20,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail the applicant shall attend the Chakan Police Station on every first Monday of the month between 10.00 a.m to 12.00 non till the completion of trial.
- c) The applicant shall attend all the dates before the trial Court unless precluded for medical reason.
- c) The applicant shall not tamper with the evidence and/ or influence the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)

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