

31 – BA 1453 of 2018
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION No. 1453 OF 2018

Mahadev Balasaheb Adlinge

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. P.G Sarda i/b. Mr. Pramod S. Kumbhar for Applicant

Mr. S.R. Agarkar -APP

Mr. A.D. Vagne, HC, Loni Kalbhor Police Station, Pune

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 23, 2018

P.C.

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

2. The Applicant herein is arrested on 31st May, 2016 in Crime No. 408 of 2016 registered at Loni Kalbhor Police Station, Pune for offences punishable under section 302 r/w. 34 of the Indian Penal Code and under Section 4 r/w. 25 of the Indian Arms Act.

3. It is the case of the prosecution that on 22nd May, 2016, Atul had lodged a report alleging that there were two rival political groups. The rivalry had

continued even after the elections. Time and again, the present Applicant and his associates had threatened his brother Amol that he would have to face dire consequences. That on 20th May, 2016, there was a quarrel between Atul Kotwal and Rajesh Londhe. At that stage also, Rajesh Londhe had threatened the first informant that they would eliminate him. On 22nd May, 2016, the brother of the first informant viz. Amol Kotwal was brutally assaulted. That, Atul was informed by his cousin that Amol is lying in a pool of blood on the road passing of Manjri to Urli Kanchan. Atul named six persons whom he suspected. The Applicant happens to be one of them.

4. The learned counsel for the Applicant submits that three persons had been enlarged on bail under section 169 of Cr.P.C. They are treated as witnesses. Their statements were recorded under section 164 of Cr.P.C. The learned counsel for the Applicant has drawn the attention of this Court to the order by which the similarly situated co-accused Akshay Rede has been enlarged on bail by this Court [Coram: Smt. Revati Mohite Dere, J.]. It has been observed that the statements recorded under Section 164 of Cr.P.C. do not throw any light on the complicity of the applicant in the offence.

5. The investigation is completed and the charge-sheet is filed. By virtue of doctrine of parity, the Applicant would also be entitled to enlarged on bail. The

observations are prima facie in nature and shall not be taken into consideration for discharge application and/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 solvent sureties in the like amount.
- (iii) The Applicant shall not reside in Urli Kanchan and jurisdiction of Loni Kalbhor Police Station till conclusion of trial.

Bail Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]

Vaishali
Anil
Tikam

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Vaishali Anil Tikam
Date: 2018.07.24
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