

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1758 OF 2018**

Sagar S. Sule. ..Applicant.

V/s.

State of Maharashtra ..Respondent.

WITH

CRIMINAL BAIL APPLICATION NO. 1661 OF 2018

Amar Mohan Koli. ..Applicant.

V/s.

State of Maharashtra ..Respondent.

WITH

CRIMINAL BAIL APPLICATION NO. 1662 OF 2018

Nitin Vitthal Metkari. ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr. Kedar J. Patil, advocate for applicant in BA 1758/18.

Mr. Ajay Tripathi, advocate for applicant in BA 1661/18.

Mr. Pralhad Shirke I/b. Mr. Aniket U. Nikam, advocate for applicant in BA 1662/18.

Ms. Veera Shinde, APP in BA 1758/18 & BA 1661/18.

Mr. Y.Y. Dabke, APP in BA 1662/18.

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Mr. P.B. Sorte, PN, Mhaswad Police Station, Satara.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 1, 2018.

P. C. :

1 Heard the learned Counsel for the applicants and the learned APP for State.

2 This is an application filed under Section 439 of the Criminal Procedure Code. The Applicant in Criminal Bail Application No. 1758 of 2018 is arrested on 10/1/2018 and applicants in Criminal Bail Application Nos. 1661/2018 and 1662/2018 are arrested on 13th January, 2018 in Crime No. 1 of 2018 registered at Mhaswad Police Station for the offences punishable under Section 395, 307, 332, 353 of the Indian Penal Code.

3. It is the case of the prosecution that on 8th January, 2018, the Kotwal of the said village viz. Krushnadev Gujar was admitted in the Civil Hospital with some injuries. Being a medico legal case, the statement of the injured was recorded. He

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disclosed to the police that he was working as a driver on the vehicle of Tahasildar of the said village. On the said date, as per the order of Tahasildar, under a secret information, they had decided to conduct raid at Taluka Maan. They were on patrolling duties. They had been to the spot at about 11.45 p.m. i.e. at Veerkar Wadi. They had seen some tractors and dumper which were carrying the sand. He had called upon the other staff. He had followed the Bollero Vehicle. The driver of the dumper had suspected the moves of the patrolling parties. Thereafter, he had increased the speed of the said dumper. The dumper had met with an accident. In the meanwhile, a white car reached at the spot and some persons from that car had mounted assault upon the complainant with sticks, iron rod and wooden rod. They had heard the voice of one of the accused calling upon the other as Gopichand Padalkar and he had also seen Balu Pise and Deepak Bangar. The Applicants have been named as one of the members of the said group and no specific role has been attributed to them.

4 It is seen from the record and Learned APP upon

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instructions submits that there are no criminal antecedents in respect of the present applicants. The applicants have been in custody for more than 6 months. Investigation is completed and charge-sheet is filed. In view of this, applicants deserve to be enlarged on bail.

5 The observations are prima facie and restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for discharge application or at the time of trial.

6 Hence, following order is passed :

ORDER

- (i) The applications are allowed.

- (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount.

- (iii) The applicants shall report to the concerned police

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station as and when called and cooperate with the investigating agency to the best of their capacity.

(iv) The applicants shall not tamper with the evidence.

7 The applications are disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Aruna
Sandeep
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