

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

Cri. BAIL APPLICATION NO. 1760 OF 2018

Sunil Sidram Satarale

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Rupesh A. Zade, Advocate a/w. S.S. Inamdar, Advocate for the Applicant.

Mr. Rajan Salvi, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : SEPTEMBER 12, 2018.

PC :

1 This is an application under Section 439 of Criminal Procedure Code, filed by the aforesaid applicant who is facing trial in Sessions Case No. 318 of 2017 pending on the file of learned Additional Sessions Judge, Solapur. The said case arises from C.R.No. 419 of 2017 registered with MIDC Police Station, Solapur city, for offences punishable under Sections 302, 143, 147, 148, 323, 324, 504 read with section 149 of IPC.

2 Heard Mr. Rupesh Zade, learned counsel for the applicant, Mr. Rajan Salvi, learned APP for the State. Perused

the records and considered the submissions advanced by the learned Counsels for the respective parties.

3 The aforesaid crime was registered, pursuant to the first information report dated 09.07.2017 lodged by Yuvraj Balkrishna Balshankar. The first information report, prima facie, reveals that on 08.07.2017 at about 11.45 p.m., the first informant and his friends namely, Gundappa Kalyanshetty (deceased), Parmeshwar Kalshetty and Prakash Gavandi were proceeding to their house by Riksha. When they reached the road near Kulkarni Apartment at Nitin Nagar, they found that two boys had parked their motorcycle in the middle of the road and that they were talking on the mobile phone. The first informant and the deceased Gundappa Kalyanshetty requested the said boys to take motorcycle by the side of the road. It is alleged that the said two unknown boys got annoyed and that they assaulted Gundappa, who received serious injuries. When the informant and his friends raised alarm and resisted, six other boys came from Sunil Nagar side on three motorcycles and assaulted Parmeshwar Kalshetty by iron rods. When Gundappa tried to intervene, the said boys

inflicted blows of iron rod on him, as a result said Gundappa sustained injuries and fell unconscious. Gundappa was shifted to Civil Hospital, Solapur. He succumbed to the injuries on 10.07.2017. Hence, section 302 of IPC came to be added.

4 The first informant had stated that he had taken photograph of the motorcycle while the said boys were trying to flee away from the place of incident. The said motorcycle was registered under no. MH-13-BL-5845. The police had verified that the said motorcycle was owned by one Babu Parit. Said Babu Parit was brought to the police station and was identified by the injured Parmeshwar Kalshetty. The first informant claims that Babu Parit had disclosed the names of all the assailants including the applicant herein.

5 The FIR was lodged against eight unknown persons. However, in the supplementary statement the first informant had stated that total five persons were involved in the incident.

6 The applicant was arrested on 14.07.2017 and subsequently, identified by the first informant in ID parade

held on 29.07.2017. As stated earlier, the name of the applicant was already disclosed to the first informant on 10.07.2017. Furthermore, apart from such belated identification of the applicant in test identification parade, there is no other material to prima facie link the applicant with the crime.

7 Considering the above facts and circumstances, in my considered view the applicant is entitled for bail on the the following terms and conditions.

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in Sessions Case No. 318 of 2017 pending on the file of learned Additional Sessions Judge at Solapur, on his furnishing bail bonds of Rs. 15000/-, with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Solapur.
- (iii) The applicant shall report to the Investigating Officer on first Monday of every month till conclusion of the trial.

(iv) The applicant shall furnish his permanent and temporary addresses, if any, and his contact details to the Investigation Officer.

(v) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(vi) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

8 Needless to state that the above observations is only for the purpose of deciding this bail application and shall not be construed as expression of any opinion on the merits of the case.

9 The criminal bail application is disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)