

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

BAIL APPLICATION NO. 1812 OF 2018
A/W.
CRIMINAL APPLICATION NO. 996 OF 2018

Vikas Bhau Varekar

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ganesh Gole I/b. Ateet Shirodkar for the Applicant in
BA/1812/2018.

Mr. Anand Patil I/b. Anand Patil & Associates for the Intervenor in
APPP/996/2018.

Ms. Pallavi Dabholkar, APP for the Respondent/State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : August 30, 2018.

P.C.

1. The applicant herein has been arrested in Crime No. 12 of 2018 and is facing trial for the offences under Section 302, 307, 326, 324 r/w. 34 of IPC. He has filed this application praying for his enlargement on bail.

2. Heard Mr. Gole, learned Counsel for the applicant, Mr. Patil for the Intervenor and the learned APP for the State. Perused the records and considered the submissions advanced by the learned

Counsels for the respective parties.

3. The FIR prima facie reveals that on 19th February, 2018 the co-accused Akash and Prakash had assaulted the first informant. On 23rd February, 2018 the first informant had informed his father and Uncles about the said incident of 19th February, 2018. The first informant, along with his father and paternal as well as maternal Uncles, went to the house of the accused in order to settle the dispute. The FIR indicates that the accused were not ready to have any settlement talks. He has stated that the co-accused Prakash and Akash went inside the house, came with weapons such as sword and knife and assaulted him and Sakharam, the maternal uncle of the first informant. The maternal uncle of the first informant expired as a result of the injuries sustained in the said incident. The first informant- Pradip Khedekar, Sachin Khedekar and Laxman Bandgale have sustained injuries in the said assault.

4. The allegation against the applicant, as can be gathered from the FIR, indicates that Akash had inflicted a blow of knife on the chest of Sakharam and Sachin, and when the first informant -Krishna rushed towards Akash, this applicant-Vikas held him and at this time

Prakash Mheter gave a blow of sword on the head of the first informant. It is not in dispute that the applicant is not related to either of the groups. The FIR as well as the statements of the other witnesses indicates that the applicant had merely held the first informant while he was rushing towards Akash. The material on record does not prima facie to indicate that the act of the applicant was with an intention to facilitate assault on the first informant, but it appears that he had held the first informant to prevent him from causing injury to Akash. Considering the nature of the allegations leveled against the applicant, and also considering the fact that charge sheet has been filed, in my considered view, the presence of the applicant is not longer required in custody. Hence, the applicant is ordered to be enlarged on bail on the following terms and conditions:-

- (i) The applicant be released on bail upon furnishing bail bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount, to the satisfaction of the learned Sessions Judge, Kolhapur;
- (ii) The applicant shall not tamper with the prosecution evidence, or interfere with the prosecution witnesses in any manner;

(iii) The applicant shall inform his permanent as well as temporary address, if any, and his contact details to the Court seized of the matter and to the Investigation Officer of the concerned police station;

(iv) The applicant to co-operate with the conduct of the trial.

. Application is allowed in the aforesaid terms and is accordingly disposed of.

. In view of disposal of the bail application, Criminal Application No.996 of 2018 does not survive and the same is accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)

Prasanna
Pradeep
Salgaonkar

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