

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

BAIL APPLICATION NO.1886 OF 2018

Sagar Vishnu Pisal	...Applicant
Versus	
The State of Maharashtra	...Respondent

.....

Mr. Abhishek Yende for the Applicant.
Ms Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th AUGUST, 2018.

P.C.:-

This is an application filed under Section 439 of the Cr.P.C by the aforesaid Applicant, who has been arrested in C.R. No. 23 of 2018 registered at Vai, District-Satara, for offence punishable under Section 302 r/w. 34 of the IPC.

2. Heard Mr. Abhishek Yende, the learned counsel for the Applicant and Ms Pallavi N. Dabholkar, the learned APP for the Respondent -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 FIR

lodged by one Krushnadev Tukaram Pisal. Perusal of the FIR indicates that the first informant has not witnessed the incident and that he had lodged the FIR based on the information given to him by the accused persons. Prima facie the FIR does not indicate as to which of the accused persons had made extra judicial confession but states that he enquired with the accused persons and that they had stated that Ganesh (deceased) was under the influence of alcohol and that there was a quarrel between the deceased and others and in the course of the scuffle, the Applicant had held his hand and that the co-accused Sunil had pressed his neck. The statements of the other witnesses viz. Amol, Kiran, Shekhar and Suraj indicate that they alongwith the deceased and the Applicant were having drink and the deceased was under the influence of alcohol and that the deceased had quarreled with the others and that he had assaulted them under the influence of alcohol. The statements of these witnesses do not prima facie indicate that the Applicant herein was involved in committing murder of the deceased. Investigation in the present case is completed and charge sheet is filed. Considering the above facts and circumstances and also considering the nature of allegations as well as the nature of material on record this is not a fit case to detain the Applicant in custody pending trial.

4. Hence, the following order:-

- (i) The bail application is allowed.
- (ii) The Applicant shall be released on bail on furnishing bail bonds of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge, Satara.
- (iii) The Applicant shall furnish his permanent as well as temporary address, if any and his contact details to the Investigation Officer.
- (iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.
- (v) The Applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Shridhar
Parab

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by Megha
Shridhar Parab
Date:
2018.08.31
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