

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

BAIL APPLICATION NO.2112 OF 2018

Gopal Mahadev Ingole	...Applicant
Versus	
The State of Maharashtra	...Respondent

.....

Mr. Aniket Nikam with Mr. Ashish Satpute for the Applicant.

Mr. Rajan Salvi, APP for the Respondent -State.

Mr. Ganesh H. Pinguwale, Police Sub Inspector, Loni-Kalbhor Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 24th SEPTEMBER, 2018.

P.C.:-

This is an application filed under Section 439 of the Cr.P.C. by the aforesaid Applicant, who is facing trial in Sessions Case No.673 of 2016 pending on the file of the learned Additional Sessions Judge, Pune. Said Sessions case arises from the C.R. No.490 of 2016 registered with the Loni Kalbhor Police Station, District-Pune, for the offences punishable under Sections 120 B and 302 r/w. 34 of the Indian Penal Code, 1860.

2. Heard Mr. Aniket Nikam, the learned counsel for the Applicant and Mr. Rajan Salvi, the learned APP for the Respondent -State. I have 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 lodged by one Sujit Sawant. The FIR prima facie reveals that on 12.6.2016 at about 7.30 p.m. while the deceased-Rohan was in the process of overtaking the motorcycle of the co-accused Dada @ Akash, the motorcycle of Rohan had almost brushed against the motorcycle of the co-accused Dada @ Aakash Kamble. It is alleged that 10 minutes later said Dada @ Aakash Kamble, Mayur Kakade, Akshay Shedge and the Applicant-Gopal came on two motorcycles. The Applicant handed over a sharp weapon akin to Koyta to said Dada and said Dada thereafter inflicted several blows of Koyta (sickle) on Rohan. Said Rohan expired as a result of the injuries inflicted by Dada. The opinion of the Medical Officer at page-62 indicates that death of Rohan was due to multiple injuries.

4. The FIR prima facie indicates that the injuries were inflicted by the co-accused Dada@ Aakash Kamble. The role attributed to the Applicant in the FIR is that he had handed over the weapon to said Dada. The statement of the first informant was recorded under Section 164 (5) of the Cr.P.C. In the said statement the first informant has

stated that the Applicant had left the place after handing over the weapon to the co-accused Dada. Said statement does not indicate that the Applicant was present at the time of the assault.

5. Considering the above facts and also considering the fact that co-accused Akshay Shedge and Mayur Kakade have been granted bail by this Court, in my considered view this is a fit case for grant of bail. Hence, the following order:-

- (i) The application is allowed.
- (ii) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.50,000/- with one or two solvent sureties in the like amount to the satisfaction of the Additional Sessions Judge, Pune.
- (iii) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned Investigation Officer.
- (iv) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.
- (v) While on bail the Applicant shall mark his presence in police station on the first day of each month, initially for the

period of six months and thereafter quarterly on the first day of such month, pending trial.

(vi) The Applicant shall not tamper with the evidence in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Shridhar
Parab

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by Megha
Shridhar Parab
Date
2018.09.26
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