

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

BAIL APPLICATION No. 2255 of 2018.

Ketan Uttam Bhore	..Applicant.
Vs	
State of Maharashtra	..Respondent.

Mr. Ashish Gaikwad a/with Ms. Bhavana Khichi a/with Mr. Abhishek Mishra, for the Applicant.
Mr. Rajan Salvi, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATE : 4TH SEPTEMBER, 2018**

P.C:-

1) This is an application for bail, under Section 439 of Criminal Procedure Code, filed by the aforesaid applicant who is arrested in C.R.No. 89 of 2018 registered at Ale Phata Police Station, Taluka Junnar, District Pune for offences punishable under sections 302, 341, 324, 323, 143, 148, read with section 149 of the Indian Penal Code.

2) Heard Mr. Gaikwad, learned counsel for the applicant and 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 case of the prosecution, in brief, is that on 13th April, 2018 the deceased and the first informant Mangesh Ghode

had gone to Lawanwadi, taluka Junnar to watch "Tamasha". While returning home, they saw one vehicle (DJ vehicle) parked by the side of the road. The deceased, Adesh got into the said vehicle and tried to remove the wires, during which time one four wheeler stopped at the spot of the incident and five to six persons got down from the said car and they assaulted deceased Adesh Shelke by fists and kick blows. Later on they tied the first informant and the deceased to a wooden pole and assaulted them with sticks, belts etc. The said five to six persons assaulted the deceased and the first informant for almost an hour, till they were rescued by the police. The first informant and his friend Adesh Shelke were shifted to the hospital. Said Adesh expired in the hospital on 13/4/2018 at 6:00 a.m. while undergoing medical treatment. His friend Mangesh therefore lodged the first information report against five to six unknown persons for causing death of Adesh.

4) The statement of witness Samir Bhor prima facie reveals that the applicant was the driver of the vehicle in which the assailants were travelling. The material on record prima facie indicates that the assailants had not come to the place of the incident with an intention to assault the first informant and

his friend Adesh Shelke but they had stopped on seeking Adesh removing the wires of the said “DJ vehicle”. Thus, material on the record prima facie indicates that the incident was not premeditated or preplanned. It is to be noted that the material on record does not prima facie indicate that any of the witnesses had identified this applicant as one of the assailants.

5) Considering the above facts and circumstances, in my considered view, there is no prima facie material to show the involvement of the applicant in the crime. The applicant is a permanent resident of Bhorwadi, District Pune and there is no possibility of the applicant absconding or fleeing from justice.

6) Hence, the application is allowed on the following terms and conditions:-

(i) The applicant be released on bail in Crime No. 89 of 2018 registered with Ale Phata Police Station, Taluka Junnar, District Pune on his furnishing bail bonds of Rs. 50,000/- with one or two solvent sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Khed-Rajgurunagar, Pune.

(ii) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not

tamper with the evidence in any manner.

(iii) The applicant shall furnish his permanent and temporary addresses, 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 to co-operate with the conduct of the trial.

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

(SMT. ANUJA PRABHUDESSAI, J.)

Radhakishan
Shivlal
Ladda

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by Radhakishan
Shivlal Ladda
Date:
2018.09.07
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