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

BAIL APPLICATION NO.2443 OF 2018

Nikhil Balasaheb Gole

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. P.G. Sarda, for Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 3rd December 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 345 of 2016 dated 20.7.2016 registered with Kothrud Police Station, Pune under Section 302, 364, 394, 201 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] The first information report is lodged by Shri Ramesh Chandi Wade. It is the prosecution case that, on 18.7.2016 at about 1.00 a.m the applicant along with two other accused persons, with a view to commit robbery abducted Karan R. Varma and committed his murder in the

open space at Datar Hill, Kothrud,Pune. During the course of investigation, the police arrested the applicant and after completion of investigation the police have submitted chargesheet.

4] The record indicates that, the only circumstance prounded by the prosecution against the applicant, is of last seen together with deceased Karan Varma in the intervening night of 17.7.2016 and 18.7.2016 at about 1.00 a.m along with co-accused. However, the said witness Rakeshkumar has identified the applicant in police station in presence of Police Officer after his arrest in the police station.

Thus prima facie it appears that, the identity of the applicant by the said witness is contrary to the established principles of law. It is submitted that, there are no antecedents at the discredit of the applicant.

5] In view thereof, the applicant can be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No. 345 of 2016 registered with Kothurd Police Station, Pune on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] After his release from jail, the Applicant shall attend the Kothurd Police Station on every 1st Monday of the month between 10.00

a.m to 2.00 p.m and to join the process of investigation till conclusion of trial.

iii] Applicant shall also attend all the dates before the Trial Court without any excuse.

iv] Any two consecutive defaults shall attract the provisions of cancellation of bail.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)