

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

CRIMINAL BAIL APPLICATION NO. 2455 OF 2018

Kiran Kathod Bhoir	... Applicant
Vs.	
The State of Maharashtra	... Respondent

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Mr. M.S. Mohite I/by Mr. Jamshed Ansari for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 26th NOVEMBER, 2018.

P.C.

1. This is an application for bail in connection with C.R. No.-I-95 of 2018, registered with Wada Police Station, District – Palghar, for the offences punishable under Sections 341 and 302 read with 34 of Indian Penal Code.

2. Prosecution case is that police received information from Santosh Sutar on 16th April, 2018 that driver of the Container was being assaulted by the people and he had intervened and rescued him. It is alleged that the driver of the Container was deliberately driving very closely to the persons who were driving motor-cycle. The driver also chased the wife of the accused and passed some lewd comments. The driver was apprehended by mob and he was assaulted with fists, kick blows and bricks.

3. Investigating officer recorded statements of various witnesses and on completing investigation, charge-sheet has been filed.

4. Learned counsel for the applicant submitted that no role is attributed to the applicant, alleging assault on deceased which has resulted in his death. The statement of Santosh Sutar is recorded under Section 164 of Code of Criminal Procedure wherein he has stated that the applicant had slapped the driver (deceased). It is further submitted that co-accused Devendra Patil and Jayesh Patil were granted bail by this Court. There was no intention to commit murder. It is submitted that investigation is completed and chargesheet has been filed.

5. Learned APP pointed out the statement of Santosh Sutar recorded under Section 164 of Code of Criminal Procedure as well as First Information Report. From the statement of witnesses primarily it appears that the applicant was present alongwith other accused namely Devendra Patil and Jayesh Patil.

6. The prosecution case is that the wife of the applicant and another lady were travelling on a scooter and they were harassed by the driver of (deceased). The other accused Jayesh Patil and Devendra Patil had preferred an Criminal Bail Application No.

2359 of 2018 and Criminal Bail Application No. 2745 of 2018 which was allowed on 29th October, 2018 and 8th October, 2018 respectively. It is noted that except the role that the applicant had slapped the driver as it appears from the statement of the witness Santosh Sutar, no other overt act has been attributed to the applicant. In the circumstances, case for grant of bail is made out. Hence, I pass the following.

:: ORDER ::

- (i) Bail Application No. 2455 of 2018, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.I-95 of 2018, registered with Wada Police Station, District – Palghar, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report Wada Police Station, District– Palghar, on first Saturday of every month between 10:00 a.m. to 12:00 noon, till further orders;
- (iv) Applicant shall not tamper with the prosecution evidence;
- (v) It is clarified that the observations made in this order

are *prima facie* for considering the reliefs prayed in this application and trial Court shall not be influenced by the same at the time of trial;

(vi) Bail Application No.2455 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)