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

BAIL APPLICATION NO.2779 OF 2018

Ajit Virendra Yadav

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. A.P. Mundargi, Senior Advocate a/w Anand Patil I/b Anand Patil & Associates, for Applicant.

Ms. J.S. Lohokare, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 19th December 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 400 of 2015 dated 10.7.2015 registered with Pimpri Police Station, District Pune under Sections 302, 143, 147, 148, 149 of Indian Penal Code, under sections 4 read with 25 of Arms Act and 37(1) read with 135 of Maharashtra Police Act.

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

3] It is the prosecution case that, the deceased Rohit Dhotre used to stalked applicant's sister, a minor aged about seventeen years, when she

used to attend her coaching class. On several occasions, deceased teased sister of applicant. On 9.7.2015 deceased Rohit Dhotre outraged modesty of applicant's sister. Applicant along with his friends therefore assaulted Rohit Dhotre on 9.7.2015 at about 8.00 p.m with sickle and fist blows and attempted to commit his murder. Initially an offence under section 307 read with allied sections of Indian Penal Code was registered by the police. During the course of investigation, the police arrested applicant on 10.7.2015. It is the further prosecution case that, Rohit Dhotre succumbed to injuries on 7.10.2015 i.e. after gap of about three months and thereafter section 302 of Indian Penal Code was added to the present crime. After completion of investigation, the police have submitted chargesheet.

4] The learned Senior Counsel for the applicant has produced on record two statements of Miss Khushi Yadav and Mrs. Saroj Yadav, sister and mother of the applicant respectively. The said statements are recorded by the police officer attached to Pimpri Police Station. It is submitted that, the copy of chargesheet provided by the police does not contain the said statements.

5] Perusal of the said two statements would indicate that, On 9.7.2015 deceased Rohit Dhotre outraged modesty of Miss. Khushi sister of

applicant and thereafter mother of the applicant has lodged the complaint against Rohit Dhotre with the police immediately. The said two statements appear to have been recorded by the police in the complaint lodged by Mrs. Saroj Yadav. Thus it is clear that the motive behind the present crime was to teach a lesson to Rohit Dhotre who had outraged modesty of Miss. Khushi, sister of applicant. It is further to be noted here that, the alleged assault on Rohit Dhotre took place on 9.7.2015 at about 8.00 p.m and he succumbed to injuries after about three months i.e. on 7.10.2015.

6] Prima facie it appears that, the motive of the applicant was not to commit murder of Rohit Dhotre. Applicant is in jail since 10.7.2015 and the charge in the present case is framed on 3.4.2018 by the Trial Court, however till date not a single witness has been examined by the prosecution.

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

Hence the following Order:-

i] Applicant be released on bail in CR No. 400 of 2015 registered with Pimpri Police Station, District Pune, on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

ii] After his release from jail, the Applicant shall attend Pimpri

Police Station on every 1st Monday of the month between 10.00 a.m and 1.00 p.m till conclusion of trial.

iii] Applicant shall also attend all the dates before the Trial Court unless precluded for medical reasons.

8] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)