

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

BAIL APPLICATION NO. 2836 OF 2017

Vilas Gangya Dhangada & Ors. **... Applicants**

V/s.

The State of Maharashtra **... Respondent**

Mr. Rajkumar Yadav for the Applicant.

Mr. Ameet Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 24th FEBRUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.PC. for bail in C.R. No. I-164 of 2015 dated 14.10.2015 registered with Dahanu Police Station, District Palghar under Sections 302, 342, 147, 148 and 149 of the Indian Penal Code.

2 Heard the learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.

It is the prosecution case that, on 14.10.2015 at about 3.30 a.m., the deceased Vishnu Jadhav along with his three accomplices entered into the house of Applicant No.1 with a view to commit theft. Due to the noise, the Applicant No.1 woke up and gave a call to his neighbours and other villagers. That, when the Applicants tried to nab the said thieves, three persons ran away from the scene of offence and the deceased Vishnu Jadhav was caught by the Applicants

and the villagers. It is alleged that, the Applicants and other villagers assaulted the deceased with fist blows and wooden sticks, due to which Vishnu Jadhav died. During the course of investigation, the Applicants came to be arrested on 15.06.2017 and after completion of investigation, the police have submitted charge-sheet.

3 The record indicates that there are about 5 witnesses who in their statements recorded under Section 161 of the Cr.P.C. have named the Applicants as the assailants, however the said witnesses in their statements recorded under Section 164 of the Cr.P.C. have resiled from their earlier version.

4 In view thereof, the Applicants can be released on bail.

Hence, the following order:-

i) The applicants be released on bail in C.R. No. I-164 of 2015 dated 14.10.2015 registered with Dahanu Police Station, District Palghar on their furnishing PR bond of Rs.15,000/- each with one or two separate local sureties in the like amount.

ii) After their release from jail, the applicants shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 2.00 p.m.

iii) The applicants shall also attend all the dates before the Trial Court.

iv) The Applicants shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

5 Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)