

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 3021 OF 2018**

Shubham Kamlakar Pansare

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Ujwal Agandsurve a/w Mr. Ashish Gaikwad a/w Bhavana Khichi
for the Applicant.

Ms. J.S. Lohokare APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 18th DECEMBER, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 89 of 2018 dated 13th April, 2018 registered with Alephata Police Station, District Pune, under Sections 302, 341, 324, 323, 143, 147, 148 and 149 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge sheet.

3 The prosecution case in brief is that, the injured witness Mangesh Ghode and Aadesh Shelke (deceased) were proceeding from Rajuri at about 3.00 a.m. on 13th April, 2018. On their way, they

noticed a Disk Jockey van. That, Aadesh Shelke (deceased) entered into the said van. It is alleged that, the Applicant along with other accused persons came at the said place and noticed Aadesh Shelke (deceased) removing certain wires of the instruments fixed in the said van. The accused persons, therefore, accosted Aadesh Shelke (deceased) and Mangesh Ghode (injured) and assaulted them with fist and kick blows. The said two persons were thereafter, taken to a nearby house, tied with a rope and were again assaulted with fist and kick blows. The incident of assault was continued for more than 45 minutes. After receipt of information, the police came at the scene of offence and rescued the said two persons. The said two persons were taken to the hospital. Aadesh Shelke (deceased) succumbed to the injuries. The injured witness, Mangesh Ghode received various injuries on his person.

4 The record indicates that, after the arrest of the Applicant, test identification parade was conducted, however, the first informant has failed to identify him as one of the persons who assaulted him. The other witnesses have also failed to identify the Applicant as one of the assailants.

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

Hence, the following order.

- a) The Applicant be released on bail in CR No. 89 of 2018 registered with Alephata Police Station, District Pune on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- b) After his release from Jail, the Applicant shall attend the Alephata Police Station, District Pune, on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- c) The Applicant shall attend all the dates before the Trial Court unless precluded on medical grounds.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)