

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2530 OF 2018

Shubham Suresh Mhaske ..Applicant
vs.
The State of Maharashtra ..Respondent.

Mr. Subhash Jha with Harekrishna Mishra, Ashish Jha i/by Law
Global for the Applicant.
Smt. J.S.Lohokare, APP for the Respondent-State.
Mr. H.S.Kamble, Police Naik from Chakan Police Station present
in Court.

CORAM :A.S.GADKARI, J.
DATE : 11th December, 2018

P.C.

1. The applicant is apprehending arrest in CR No.979/2018 dated 20.10.2018 registered with Chakan Police Station, Pune under Sections 307, 324, 325, 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP. Perused the record.
3. It is the prosecution case that, the informant/injured witness had given his flat on rental basis to Shubham Kumar Singh, a student, on rental basis. As the said Shubham Kumar Singh did not pay the rent of earlier month, there was quarrel between the informant and Shubham Kumar Singh. On

19.10.2018 at about 11.15p.m. Shubham Kumar Singh called the informant at Peacock hotel, Chakan, Talegaon Road, Chakan and when the informant went at the said spot friend of Shubham Kumar Singh namely Vishal Gotarne assaulted the informant with stones, fist and kick blows. Vishal Gotarne was accompanied with 18 to 20 boys.

4. The applicant is alleged to be one of the members of the said unlawful assembly. The name of the applicant has surfaced on record initially from the statement of the co-accused and subsequently in the supplementary statement of two eye witnesses namely Deepak Pandye and Santosh Pardeshi. The said two eye witnesses in their statements have named the accused persons Shubham Kumar Singh and Vishal Gotarne and other persons have been termed as their associates. It appears that Vishal Gotarne has been arrested by the police and during his custodial interrogation he revealed the name of the applicant as one of the accomplice. The supplementary statements of the said two witnesses namely Deepak Pandye and Santosh Pardeshi have been recorded by the investigating agency on 3.10.2013 i.e. after a gap of about 10 days and for the first time they have named the applicant as one of the

member of the unlawful assembly who assaulted the informant with fist and kick blows. The injury certificate of the informant Sachin Pande indicates that, he suffered in all four injuries and those are corresponding injuries which can be attributed to principal accused Vishal Gotarne and Shubham Kumar Singh.

5. In view of the above, the custodial interrogation of the applicant for further investigation of the present crime is not necessary and the applicant can be protected by pre-arrest bail.

Hence, the following order.

- a) In the event of arrest in CR No.979/2018 dated 20.10.2018 registered with Chakan Police Station, Pune, the applicant shall be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- b) The applicant shall attend the Investigating Officer as and when called for between 10.00 a.m. and 1.00 p.m. and to join the process of investigation till submission of final report.
- c) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)