

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO.431 OF 2018

(Alpesh @ Bala s/o Panjabrao Ajane ..vs.. State of Maharashtra, through PSO, PS Old City, Akola)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.M. Daga, Counsel for the applicant,
Shri T.A. Mirza, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 11-07-2018

Criminal Application 855 of 2018.

The application is allowed.

2. The applicant is permitted to assist the prosecution.

Criminal Application (BA) 431 of 2018.

The applicant is seeking bail in Crime 88/2015 registered with Police Station Old City, Akola for offences punishable under Sections 302, 207, 452, 143, 147, 148, 149, 504, 324, 506, 427, 449, 450 and 451 of the Indian Penal Code, Sections 4 and 25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act.

2. The applicant is in custody since 17-5-2015.

3. The crime is registered on the basis of first information report lodged by one Pappu Gaikwad on

16-5-2015. The gist of the report is that pursuant to an altercation which occurred at 7-00 a.m. or thereabout on 16-5-2015, one Deepak Kamble was assaulted by the applicant and other co-accused which assault led to the death of Deepak Kamble.

4. In the first information report, no specific role is assigned to the applicant. The report alleges the prominent role in the murderous assault to a co-accused Manish Sirsat who allegedly assaulted Deepak Kamble with *farsa*. It is stated in the report that after Manish Sirsat assaulted Deepak Kamble causing him to fall down, the other co-accused assaulted him with iron rods. However, in the statement recorded under Section 161 of the Criminal Procedure Code the informant has changed his version substantially. In the statement, Pappu Gaikwad alleges that Manish Sirsat was armed with a sword and the present applicant was armed with *farsa*. The supplementary statement states that several persons assaulted Deepak Kamble and when he fell down, some of the co-accused assaulted him with iron rods. Perusal of the statements of the other witnesses which are recorded would reveal that there are two versions forthcoming in so far as the role attributed to the present applicant is concerned. However, the first information report which is lodged immediately does not attribute to the applicant a serious role in the murderous assault. Manish Sirsat, who has played a equally prominent role if

not more prominent, is granted bail by this Court.

5. In this view of the matter, the application shall have to be allowed.

6. The application is allowed.

7. The applicant be released on bail on furnishing personal bond of Rs.15,000/- with one solvent surety of the like amount.

8. The applicant shall not stay at Akola, during the pendency of trial and shall not enter the city limits of Akola except on Court dates.

9. The applicant shall attend the trial Court on all dates of hearing.

10. The applicant shall cooperate with the trial Court in expeditious disposal of the trial.

11. The applicant shall not tamper with the prosecution evidence nor shall attempt to influence the witnesses in any manner.

JUDGE

adgokar