

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

Cri. BAIL APPLICATION NO. 417 OF 2019

Mr. Gautam s/o. Sahebrao Ghadge ... Applicant.

Vs.

The State of Maharashtra ... Respondent.

—

Mr. Viral K. Rathod, Advocate for the Applicant.

Mrs. G. P. Mulekar, APP for the State.

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CORAM : PRAKASH D. NAIK, J.

DATE : FEBRUARY 28, 2019.

P.C :-

1 This is an application for bail in connection with C.R. No. 199 of 2018 registered with Bhandup Police Station, for the offences punishable under Sections 302, 307, 323, 141, 143, 146, 147, 148 & 149 of Indian Penal Code.

2 The applicant was arrested on 30th May 2018. The offences were registered initially under Sections 307, 323 and 34 of Indian Penal Code against four accused persons. On completing investigation charge sheet is filed. The case of prosecution as spelt out in the FIR is that the complainant and another witness who are associates of the deceased, were informed by the deceased when he was found in injured

condition, that four persons had assaulted him. The names of four assailants were also disclosed to the complainant. The injured was then taken to hospital. He succumbed to injuries. Pursuant to the information received by the complainant, the FIR was lodged against four persons. Thereafter supplementary statement of the complainant was recorded in which he referred to three other assailants as persons who were involved in the crime. However, name of the applicant is not reflected in the FIR as well as in the supplementary statement. It appears that there is no other evidence against the applicant to show his complicity in the crime. Apparently the applicant has been impleaded as an accused in this case on the basis of statement of co-accused made during the course of investigation. There is no recovery of any other incriminating evidence to show involvement of the applicant in this crime. The charge sheet is filed.

3 Learned APP submits that the applicant is involved in another case registered with the same police station vide CR No.326 of 2015 for the offence under section 302 and other sections/provisions of the Indian Penal Code. The applicant is on bail in that case. While on bail, the applicant has involved in the present case.

4 However, on perusal of the nature of the evidence against the applicant, as stated above, there is no impediment

in granting the bail to the applicant on certain conditions.
Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No. 417 of 2019 is allowed;
- (ii) The applicant is directed to be released on bail in connection with CR No.199 of 2018 registered with Bhandup Police Station, on furnishing PR bond in the sum of Rs.25,000/with one or more sureties in the like amount;
- (iii) The applicant shall stay outside the jurisdiction of Bhandup Police Station till conclusion of the trial.
- (iv) The applicant shall furnish the details of his place of residence and contact number to the investigation officer, after he is released on bail.
- (v) The Applicant shall attend the trial court on the date of the hearing of the case regularly unless exempted by the court.
- (vi) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)