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

CRIMINAL BAIL APPLICATION NO. 482 OF 2019

Shekhar Devidas Pagare

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Sagar Kasar a/w Mr. Amol Wagh for the applicant
Mr. N. B. Patil APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 26, 2019.

P.C.

Applicant is seeking regular bail in Crime No. 136/2018 registered with Manmad City Police Station for offence punishable under sections 302, 307, 452, 323, 120B and 201 r/w 34 of the Indian Penal Code. Applicant was arrested on 23/07/2018 and came to be charge-sheeted.

2 The submissions of the learned counsel for the applicant are that the incident took place at two stages, in the first part there was assault on younger brother of the complainant namely Nilesh

whereas in the second part which took place in the night in which main accused Papa Karosiya with other accused murdered Dattu.

3 From the aforesaid, it cannot be inferred that the applicant is involved in an offence of Murder.

4 So far as the first part of the offence i.e. assault on Nilesh, brother of the complainant is concerned, it can be noticed that Nilesh has suffered simple injuries. The necessary ingredients of section 307 of the Indian Penal Code are *prima facie* neither satisfied nor of section 120-B of the Indian Penal Code.

5 Though the learned APP has opposed the application in view of one antecedent, considering the attributions against the applicant in the present crime, equities can be worked out in favour of prosecution by imposing reasonable conditions.

(A) Applicant be released on bail in Crime No. 136/2018 registered with Manmad City Police on executing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(B) If applicant found involved in similar type of offence, the learned Sessions Court is at liberty to take the applicant in custody even in the present crime.

(C) Applicant shall not influence witnesses or tamper with evidence.

6 Application stands disposed of.

[NITIN W. SAMBRE, J.]