

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

BAIL APPLICATION NO. 848 OF 2019

Shubham Rajendra Taras

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Hasnain Kazi a/w Shradha Vavhal a/w Suchitra T. Ovhal,
Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the State-Respondent.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 16th December, 2019

PC :

1. This is an application for bail in connection with C.R. No. 444 of 2017 registered with Dehu Road Police Station, Pune for offences punishable under Sections 302, 143, 147, 148, 149, 324 of Indian Penal Code. Applicant was arrested on 21/06/2018.

2. It is the case of the prosecution that one Chetan @ Sonya Balu Pande has lodged complaint on 12th September, 2017 contending that on 11th September, 2017 he had been to Marimata Mandir. At that time Hasan Shaikh, Rahul Alkunde, Kalam Hiremathkar, Navnath Dadane were introduced by his friend Subhan. After celebrating birthday they started returning to Shitalanagar. At that time, they saw Ankush Bidlan was observing them in angry mood. There was

some quarrel between them. Thereafter, at about 9.30 p.m. 7 to 8 persons got down from Rikshaws. They were holding sticks. Thereafter, Ankush got down from auto-rikshaw. One of the person started beating Santosh Kamble by stick and he asked, who is Subhan. Thereafter, that person assaulted Subhan by stick on his head, therefore, Subhan fell down. Thereafter, Santosh Kamble ran away from the spot. They assaulted Subhan by sticks and Ankush Bidlan assaulted Subhan by big stone on his head. Thereafter, they went away. Injured was admitted to hospital. He was declared died. The complainant named Ankush Bidlan. Others were unknown. In the supplementary statement Chetan has stated that they came to know about names of the accused from police. Admittedly, the complaint is filed against unknown persons.

3. The co-accused Pradeep Gyanchand Bhiganiya was granted bail by the Sessions Court vide order dated 24th April, 2018. It is not disputed that the applicant is similarly placed with the said accused. The name of the applicant is not mentioned in the complaint. No specific overt act is attributed to applicant. Role of specific assault is attributed to co-accused. Identification parade is not conducted. Complainant has identified Ankush Bidlan. There is no recovery from the applicant. His role is not explained by any witnesses. The applicant is in custody since 21st June, 2018. In these circumstances,

case for grant of bail is made out.

4. Hence, I pass the following order.

ORDER

- i) Bail Application No.848 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 444 of 2017 registered with Dehu Road Police Station, Pune on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station on 1st and 15th date in a month between 10.00 am. to 12.00 pm. till the disposal of the case.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)