

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

**CRIMINAL APPLICATION NO. 925 OF 2018
IN
CRIMINAL APPEAL NO. 208 OF 2016**

Ravichand @ Raja Madanchand Thakur ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Sanghraj D. Rupawate i/b Mrs. Pooja Thakur for applicant.
Mrs. M. H. Mhatre APP, for State.

**CORAM : B. P. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.**

DATE : APRIL 5, 2019.

P.C.:

After hearing respective counsel on 29/03/2019 we passed speaking order and adjourned matter to today.

2 Accordingly we have heard the counsel further.

3 Evidence of P.W. 9 Faisulla Jahid Shaikh shows that present applicant(accused no. 2) was obstructing them when they wanted to proceed in the direction of P.W. 2 and Deepak Patil, the deceased.

However, during cross-examination this obstruction is shown to be an omission.

4 P.W. 7 Jayprakash Lalmani Prasad in the chief-examination deposed that accused no. 2 was armed with iron rod. His cross-examination by accused no. 2 shows an admission that though he was witness to inquest panchanama, he did not inform investigating officer that he had witnessed the incident and wanted to make a statement. In paragraph 6, he accepted that he could not point out to police the fact that accused no. 2 had opened fire by using firearm and he forgot about it. Thus, his version is also inconsistent.

5 The injured witness, P.W. 6 Kiran Choure initially deposed that 10-11 persons got down from a jeep and out of them, two persons opened fire by means of firearm. He therefore does not put any weapon in the hands of accused no. 2. In the cross-examination, he accepted that he saw accused in the Court for the first time.

6 Even in deposition of P.W. 7, putting an iron rod in the hands is proved to be an omission.

7 As noticed by us in our order dated 29/03/2019, the actual assault on deceased had taken at a place about 2-3 Kms away and accused no. 2 had not gone to that place at all.

8 He has put in more than 8 years already in prison and there is no likelihood of appeal being heard in the near future.

9 In the circumstances, taking over all view of the matter, we are inclined to release him on interim bail subject to his furnishing two independent sureties in the sum of Rs. 25,000/- each with an undertaking that he shall continue to reside at an address to be communicated by him during pendency of present proceedings and shall not leave that address. He shall also undertake not to contact either complainant or any of the witnesses or their family members and not to indulge in any unlawful activities or business.

10 He shall also report in the Trial Court on 1st working day in every month and mark his attendance with the office of Superintendent/Registrar of that Court.

11 Terms and conditions of this order shall be complied with within 3 weeks from today.

12 Failure to comply with these terms and conditions or to obey the same shall constitute breach of this order and the Trial Court shall in that event proceed to take him in custody in accordance with law.

13 Application is accordingly allowed and disposed of.

(PRAKASH D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)