

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

BAIL APPLICATION NO.2421 OF 2019

Pramod Bapusaheb Jadhav

.. Applicant

Vs.

State of Maharashtra

.. Respondent

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Ms.Shubadha Khot a/w. Bakul Vyas and Mr.Jaydeep A. Shringare,
Advocate for the Applicant.

Mr.Pradeep Jadhav, APP for the Respondent – State.

API M.S. Shinde, Satara City Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 21, 2019.

P.C. :

This is an Application for Bail in connection with C.R.No.0049 of 2019, registered on 15th January, 2019 with Satara Police Station, for the offences punishable under Sections 302, 387, 120-B, 143, 148, 147 and 149 of Indian Penal Code (“IPC”, for short). The Applicant was arrested on 16th January, 2019.

2 The prosecution case is that on 16th January, 2019 at about 2:30 p.m., the complainant and his nephew Samrat had

gone to petrol pump. Thereafter his nephew left for his home. The complainant, however, was at petrol pump. He heard some commotion and went to the place of commotion. He noticed that his nephew Samrat was assaulted by Mayur Jadhav, Saurabh Kailas Khart @ Ukya, Neeraj Shelke, Sangram Danane and two and three others by sattur, sickle, bat, hockey stick and iron rod. Injured was taken to the hospital. First Information Report ("FIR" for short) also mentions that on account of previous quarrel, offence vide C.R.No.947 of 2018 was registered under Section 324 read with 34 of IPC by the nephew of the complainant against some persons. Thereafter Mayur Jadhav has lodged complaint against Vaibhav Nikam, Samrat Nikam and Sagar Nikam with Satara Police Station vide C.R.No.956 of 2018. The offence was registered under Section 324, 326 read with 34 of IPC. Subsequently, Section 307 of IPC was added. They were arrested and bail was granted. It is further alleged that after registration of the said crime, the family members of Mayur Jadhav, namely, Balkrishna Jadhav, Shahikant Jadhav, Vijay Jadhav and Balasaheb Tangad had stated that at least one member from Nikam family would be finished. The statement was made to Jagdish Shirke and Jeevan Kaple.

there is no evidence to show the involvement of the Applicant in the crime. Applicant was not present at the place of incident. He has not participated in the crime. Statements of two persons referred to by the complainant, namely, Jagdish Shirke and Jeevan Kaple has not supported the version of the complainant. It is submitted that the complainant and others were interested in settling dispute in respect of the offence registered against them under Section 307 of IPC, which was not accepted by the complainant's in the said case. There is no evidence to show the involvement of the applicant. There are no criminal antecedents against the applicant.

4 Learned APP submitted that the incident had occurred on account of rivalry. He pointed out statement of Vikrant Jadhav who had stated that the Applicant has created terror in the area. There were quarrels between both the groups in past. The Applicant has stated that atleast one person from Nikam family would be finished and his name would be deleted from Ration Card. Statement of said witness was recorded on 19th January, 2019. learned APP further submitted that the Applicant was present at the distance of two kilometers from the place of incident. It is further submitted that the statement of Anil

Babar also support the prosecution case. He also pointed out the statement of the Advocate Vijay Deshmukh, in which it is stated that both the parties were trying to resolve the dispute , but, the Applicant is objected for the same.

5 On perusal of the charge-sheet, it is apparent that the case of the prosecution proceeded on the basis that there is rivalry between two groups. Undisputedly, applicant is not assailant in the crime. He had not participated in the assault. The statements of two witnesses referred to by the complainant to whom the Applicant has allegedly stated that atleast one member from Nikam family would be liquidated were recorded. On perusal of the statement of the said witness, namely, Jagdish Shirke and Jeevan Kaple, it can be seen that they do not support version of complainant. The statement of witness Anil Babar, at the most indicate that he had dropped the accused at particular place by the said witness. That would not lead to any adverse inference that the Applicant is involved in the absence any corroborative evidence. The statement of witness before whom the Applicant made a statement that atleast one of the person from the family of Nikam would be finished, was recorded belatedly. In any case, there is no corroborative evidence to

show the involvement of the Applicant in this crime. The investigation is completed and charge-sheet has been filed. There are no criminal antecedents against the Applicant. Hence, case for grant of bail is made out.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2421 of 2019, is allowed;
- (ii) The Applicant be released on bail in connection with C.R.No.0049 of 2019, registered with Satara Police Station, the Applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- (ii) Applicant shall attend Satara Police Station once in a month on 1st Saturday of the month between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;
- (iii) Applicant shall not tamper with the prosecution

evidence;

(iv) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)