

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

BAIL APPLICATION NO. 2458 OF 2019

Shivaji Dagadu Akhade	...Applicant
V/s	
The State of Maharashtra	...Respondent

Mr. Satyavrat Joshi i/b. Nitesh J. Mohite a/w. Sagar Tambe for the applicant.

Mr. H. J. Dedhia, APP for the State/respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th December, 2019

PC :

1. This is an application seeking bail in connection with C.R. No. 338/2017, registered with Paud Police Station, Pune for the offence punishable under Section 302 r/w. 34 of Indian Penal Code, 1860 ('IPC' for short).

2. The First Information Report was lodged by Bhau Pandurang Margale, residence of Karve Nagar, Pune. His sister Nakabai is married to Dhondiba Sama Bawdhane. The accused Santosh is her son, while accused/present applicant Shivaji Akhade is son of informant's another sister Fulabai Akhade. Accused Santosh along with his sister Sanika was residing in rented flat at Daulat Nagar. Dhondiba Bawdhane used to harass Nakabai by consuming

liquor. On 08.10.2017 at about 11.00 a.m. son-in-law of Nakabai, Ankush Margale came to informants office and told him that he has received phone call of Santosh informing that on the previous night, he alongwith Shivaji assaulted his father Dhondiba. When Ankush met Bhau Margale that Ankush received phone call of Santosh. He handed over his mobile phone to the informant. The informant inquired with Santosh. He told him that in the night of 7.10.2017, when his mother and aunt returned to the flat, Dhondiba did not open the door, therefore, accused dropped them at Chandani Chowk. They returned to the flat of Fulabai. Both the accused returned to Daulat Nagar. They knocked the door forcefully, which was opened by Dhondiba, and he assaulted the accused Santosh hence he was angry. Both the accused assaulted the Dhondiba by Sickle and T.V. stand on his head. Thereafter they locked the flat and returned to Pune. The F.I.R. was registered. Investigation proceeded. Accused were arrested. It is alleged that the weapon was recovered at the instance of Santosh. Spot panchanama was recorded.

3. The factual aspect of the matter would indicate that the deceased used to consume liquor. The extra judicial

confession indicate that the deceased had assaulted the co-accused. In retaliation, he was assaulted by accused by using T.V. stand and the sickle lying in the house. As far as applicant is concerned except extra judicial confession, there is no corroborative evidence to show involvement of the applicant in the crime. He is in custody from the date of arrest. Investigation is completed and charge-sheet is filed. In this circumstances, bail can be granted on certain terms and conditions.

ORDER

- (i) Bail Application No. 2458 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No.338 of 2017, registered with Paud 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 applicants is directed to report the concerned Police Station, once in a month on first Saturday of every month between 10:00 a.m. to 12:00 noon till further order;
- (iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)