

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

BAIL APPLICATION NO.2693 OF 2019

Rohit Suresh Davade	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Paras Yadav, Advocate for the Applicant.
Mr.H.J. Dedhia, APP for the Respondent – State.
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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 13, 2019.

P.C. :

The applicant is seeking bail in connection with C.R.No.188 of 2019, registered with Karveer Police Station, Kolhapur, for the offence punishable under Section 302 of Indian Penal Code (“IPC”, for short).

2 The First Information Report (“FIR”, for short) was lodged on 6th April, 2019 against unknown person. It is the case of the prosecution that the deceased was working at Mahalaxmi Honda Showroom at Bagal Chowk, Kolhapur. On 5th April, 2019, he went to his office. At about 10:45 p.m., the complainant noticed crowd gathered on road. The complainant and his

neighbour noticed that his father was lying on the road in an injured condition having injuries on chest. The investigation was conducted and charge-sheet was filed.

3 It is alleged that while deceased was walking towards his house, accused Nilesh stabbed him with knife. The Applicant shared common intention. There was no eye witness to the incident. FIR was lodged against unknown person. The case is based on circumstantial evidence.

4 Learned counsel for the applicant submits that there is no cogent evidence against the applicant. There are no criminal antecedents against the applicant. According to prosecutionn, CCTV Footage was viewed from the place of incident which showed that deceased was walking. Three persons seen passing from the place of incident. Enquiry made through informants disclosed that Nilesh Athavale, Rohit Davade, Utkarsh Kotekar were the said persons. They had fled to Mumbai. The suspects were arrested. It is alleged that CCTV Footage shows the said persons. The report submitted by police mentions that while obtaining footage due to technical reasons the same could not be obtained. The report is taken on record and marked “X” for

identification. There is no eye witnesses. No recovery from Applicant. The applicant is in custody from 8th April, 2019. Charge-sheet is filed. Hence, case for grant of bail is made out.

5 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.2693 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.188 of 2019, registered with Karveer Police Station, Kolhapur, on his furnishing PR Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (ii) Applicant shall report the concerned police station once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon;
- (iii) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)