

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

CRIMINAL BAIL APPLICATION NO. 2818 OF 2018

Akash Prakash Kakade ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Satyavrat Joshi a/w Sumant Deshpande for Applicant.

Mr. S. H. Yadav, APP for Respondent – State.

Mr. Ankush Dombale, PSI, Hadapsar Police Station, Pune City present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 5, 2019.

P.C. :

. The Applicant is seeking regular bail in Crime No. 112 of 2018 for an offence punishable under Sections 302, 212, 120-B, 143, 144, 147, 148, 149 of the Indian Penal Code, Section 4 (25) of the Arms Act and Section 7 of the Criminal Law Amendment Act.

2. The Applicant was taken in custody after having arrested on 20th May 2018. Pursuant to the First Information Report dated 28th January 2018 in the present crime, the Applicants along with other co-accused came to be chargesheeted for the above offence.

3. The case of the prosecution is, the Applicant is member of one Hindu Rashtra Sanghatna whose members were assaulted by one Sujeet Verma along with his group members. It is claimed that Santosh @ Anna Deokar – Accused No.12 organized his group along with other accused persons and attacked on Sujeet Verma on 28th January 2018 resulting into his death.

4. The learned Counsel for Applicant submits that there are no eye-witnesses to the incident. The involvement of the Applicant shown to the extent of facilitating the co-accused with that of providing shelter in one of the Lodge at Ahmednagar. It is also claimed that but for the allegation of harbouring, there are no other attribution so as to infer direct involvement of the Applicant in the offence punishable under Section 302 Indian Penal Code.

5. The learned APP opposed the claim on the ground that Applicant is an active member of Hindu Rashtra Sanghatana. The friends of the Applicant were assaulted by deceased Sujeet on January 21, 2018 and the present Applicant along with other co-accused organized their group and murdered Sujeet Verma. The learned APP then would urge that apart from the alleged use of mobile No. 9130230265 by the Applicant to

have conversation with the other co-accused, the investigation reveals that the Applicant has provided shelter to the co-accused after the offence of murder was executed.

6. A submission is made that there is strong circumstantial evidence to connect the Applicant to the crime in question. Having appreciated the submission so far as the use of mobile phone is concerned, there is no convincing material brought on record during the investigation to connect the Applicant to the crime in question.

7. As regards the allegation of harbouring the other co-accused is concerned, in my opinion, the same will not be sufficient to continue the detention of the Applicant, particularly when he is already chargesheeted.

8. Though the learned APP was right in bringing the fact of criminal antecedents against the Applicant to the notice of this Court, however, considering the weak nature of evidence available on record in the present crime, in my opinion, a case for grant of bail is made out. Hence, the following order.

ORDER

(A) The Applicant be released on bail in Crime No. 112 of 2018 for an offence punishable under Sections 302, 212, 120-B, 143, 144, 147,

148, 149 of the Indian Penal Code, Section 4 (25) of the Arms Act and Section 7 of the Criminal Law Amendment Act on executing PR Bond of Rs.25,000/- with one or more sureties in the like amount.

- (B) The Applicant shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.
- (C) If the Applicant is found involved in similar type of offence, prosecution will be at liberty to move for cancellation of bail.
- (D) Till framing of charge, Applicant shall keep himself away from the jurisdiction of police station.

9. Criminal Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)