

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

CRIMINAL BAIL APPLICATION NO. 3370 OF 2018

Ashutosh @ Babar Balasaheb Kasabe ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Aniket Nikam I/by Vivek Arote for Applicant.

Mr. S. S. Hulke, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 18, 2019.

P.C. :

. In Crime No. 35 of 2018 for an offence punishable under Sections 307, 323, 504, 506, 427, 143, 147, 148, 149 of the Indian Penal Code, Section 4 (25) of the Indian Arms Act, Section 37(1) read with Section 135 of the Maharashtra Police Act and Section 7 of the Criminal Law Amendment Act, the Applicant is seeking regular bail. After the arrest of the Applicant on 18th January 2018, he came to be chargesheeted.

2. The case of the Applicant is, the other co-accused Pranay Gaikwad and Dinesh Waghmare are already released by this Court on 11th

October 2018. The case of the Applicant is at par with the case of the co-accused Pranay and Dinesh. According to him, co-accused Rohit Sonawane is also released on bail by the learned Sessions Court. There are no criminal antecedents against the present Applicant.

3. The learned APP opposed the prayer for release of the Applicant on the ground that there is a specific motive attributed to the Applicant. Since the sister of the Applicant was having affair with the victim, the Applicant in a calculated manner assaulted the victim.

4. Considering the fact that the other co-accused Dinesh, Pranay and Rohit are already released on bail, the case of the present Applicant needs to be dealt with in similar manner. As such, a case for grant of bail is made out. Hence, the following order.

ORDER

(A) The Applicant be released on bail in Crime No. 35 of 2018 for an offence punishable under Sections 307, 323, 504, 506, 427, 143, 147, 148, 149 of the Indian Penal Code, Section 4 (25) of the Indian Arms Act, Section 37(1) read with Section 135 of the

Maharashtra Police Act and Section 7 of the Criminal Law Amendment Act, on executing PR Bond of Rs. 25,000/- with one or two sureties in the like amount.

- (B) The Applicant shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.
- C) In case if the Applicant is found involved in any other crime, prosecution is at liberty to move for cancellation of bail.

5. Criminal Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)