

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

CRIMINAL BAIL APPLICATION NO. 230 OF 2020

Yuvraj Ashok Shinde

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Satyavrat Joshi, Advocate for the Applicant.

Smt. Veera Shinde, APP for the Respondent – State.

Mr. D. N. Bhosale, Police Naik, Wakad Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 2nd MARCH, 2020

PC :

1. This is an application for bail under Section 439 of Cr.P.C. in connection with C.R. No. 781 of 2019 registered with Wakad Police Station, Dist. Pune for offences punishable under Sections 302, 307, 341, 143, 144, 147, 148 & 149 of Indian Penal Code.

2. The case of the prosecution is that the FIR was lodged against unknown persons. The dead body of the deceased was found. The statements of witnesses were recorded. On completing investigation, charge-sheet was filed. The statement of eye witness Smt. Anita Bhat was recorded on 28th July, 2019. She stated that, she was proceeding with the deceased on his motorcycle. Three unknown persons intercepted them and the victim was assaulted by them with weapons. He was taken to the hospital for treatment. The applicant

and the co-accused were arrested on suspicion. Supplementary statement of the eye witness Smt. Anita Bhat was recorded on 29th July, 2019. In the said statement she stated that, her son Aniket was constantly talking with some persons after the incident of assault on Mayur Wadmare and he was ascertaining about the condition of the victim. He was found disturbed. On suspicion, police arrested the applicant and other persons. They had disclosed during interrogation that the victim was assaulted at the instance of Aniket. He was arrested and implicated as one of the accused.

3. Learned counsel for the applicant submitted that there is no evidence against the applicant. There is no Test Identification Parade. No evidence of C.D.R. He was arrested only on suspicion. The statement of brother of the deceased was recorded. He has referred to the dying declaration of the deceased. It is submitted that even the statement of the said witness also do not attributed any role to the applicant.

4. Learned APP submitted that the involvement of the applicant was disclosed during the investigation. His clothes were recovered after his arrest.

5. The FIR was lodged against unknown persons. The statement of Smt. Anita Bhat who is eye witness to the incident refers to assault

by unknown persons. Her supplementary statement was recorded after the arrest of the applicant. Although it is was alleged that the assault was by unknown persons. There is no Test Identification Parade. No other incriminating evidence in the form of C.D.R. was recovered. The cloths were however recorded at the time of his arrest. Thus, there are no strong circumstances shows his complicity in the crime. Hence, case for grant of bail is made out.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 230 of 2020 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 781 of 2019 registered with Vakad Police Station, Dist. Pune on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 11.00 am. to 1.00 pm. till further order.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)