

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

BAIL APPLICATION NO.505 OF 2020

Rahul Shankar Mokashi ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Kuldeep U. Nikam for the Applicant.
Mr. Ajay Patil , APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 11th MARCH, 2020

P.C. :

Applicant seeks his enlargement on bail in connection with Crime No.102 of 2017 registered with Satara Taluka Police Station for the offences punishable under Sections 302 and 506 read with Section 34 of the Indian Penal Code, 1860 ('**IPC**' for short). Prosecution has cited four eye witnesses out of which, three eye witnesses did not attribute any specific role to the applicant except for his presence on the spot.

2 The learned APP, however, disputes this fact. So far as the statement of Amit Hari Rathod is concerned, it is submitted that there is a typographical error in his statement and it is, therefore submitted that out of four eye witnesses, two eye witnesses have actually attributed a role to the present applicant.

3 The alleged incident of beating the deceased had taken place in the morning at 6 a.m. It appears, the deceased was beaten by the accused by stick and was alive till 8 a.m. At this stage, it is not possible to know exact time of his death. However, inquest panchanama shows, dead-body was found at 15.00 hours. The post-mortem report shows that the deceased had suffered death due to haemorrhage in pericardium along with rupture to kidney. Corresponding injuries were also found and noted in Column No.20(f) of the report. I have perused the final

report and statements of eye witnesses. Out of four, three eye witnesses do not, prima-facie, attribute role to the applicant. However, all these witnesses attribute positive role to co-accused Sunil and his mother. Additionally, it appears, applicant is not related either to the deceased or to the co-accused but was merely working on the field of one Balkrishna Sawant. There is no recovery that was made at the instance of this applicant. Investigation is over and the trial is not likely to commence or conclude in near future.

4 In view of the statements of the eye witnesses as stated hereinabove and in view of nature of accusation made against him, application is allowed. Hence, the following order:

ORDER

(i) The applicant be enlarged on bail in Crime No. 102 of 2017 registered with Satara Taluka Police Station, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first and fourth Monday of every month commencing from April, 2020 between 11:00 a.m. to 1:00 noon till the charge is framed;

(iii) The applicant shall inform his latest place of residence and contact number and/or change of residence or contact details, if any, from time to time to the Investigating Officer of the concerned Police Station within seven days from the date of his release from jail;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

5 The application is accordingly disposed of.

6 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)