

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

BAIL APPLICATION NO.1900 OF 2019

Tejas Mukund Shinde	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Ms.Shubhangi Parulekar, Advocate for the Applicant.

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

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 08, 2020.

P.C. :

This is an application for bail in connection with C.R.No.168 of 2018, registered with Talegaon Dabhade Police Station, Pune Rural, for the offences punishable under Sections 307 and 326 read with 34 of Indian Penal Code (“IPC”, for short) and Sections 25 and 27 of Arms Act.

2 The prosecution case is that complaint was lodged by Ajay Bhandalkar alleging that on 4th April, 2018, Amol Chukate was assaulted and he succumbed to injuries. The informant is the nephew of the deceased. According to the complainant, he

received a call from the victim that he has been assaulted by the accused. The statements of eye witnesses were recorded during the course of investigation. In all these statements the presence of the applicant have been referred to. It is also alleged that he was armed with weapons. However, no role of assault was attributed to the applicant. There is recovery of blood stained cloths. However, the CA report is awaited.

3 Learned Counsel for the Applicant submitted that there are no criminal antecedents against the applicant. Although the presence of the applicant have been referred to by the complainant and other witnesses, no overtact has been attributed to the applicant. The applicant is in custody from 3rd April, 2018. Learned APP submitted that the applicant was armed with a weapon. His presence has been established by witnesses. Hence, the applicant has participated in the crime.

4 On perusal of the statements of the witnesses, it is apparent that the applicant and other accused were armed with weapons. Witness Vishal Kirtane stated that Mahesh Shinde had assaulted deceased on his head. Ajay Bhandalkar intervened and sustained injury. Mahesh Shinde again assaulted the deceased on

his head. Deceased fell on the road. The accused ran away. Applicant, Salman and Sahil Shinde were armed with sickle and sword. In similar statements Adesh Ovhal, Sagar Gaikwad and Shubham Aadke has also referred to the presence of the applicant but no overtact has been attributed to him. There is no recovery of weapon from him. He is in custody from the date of arrest. Charge-sheet is filed. Trial has not commenced. Hence, case for grant of bail is made out.

6 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.1900 of 2019, is allowed;
- (ii) The Applicant is directed to be released on bail in connection with C.R.No.168 of 2018, registered with Talegaon Dabhade Police Station, Pune Rural, on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report the concerned police station once in a month on first Saturday of

the month, between 10:00 a.m. to 01:00 p.m.,
till further orders;

(iv) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)