

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

CRIMINAL BAIL APPLICATION NO. 2417 OF 2019

Abhijit @ Sunny Bhimrao Khandagale ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Satyavrat Joshi i/b Mr. Sagar S. Tambe, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the state-respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 9th January, 2020

PC :

1. The applicant is seeking on bail in connection with C.R. No.150/2019 registered with Bhosari Police Station under Sections 302, 307, 143, 147, 148, 149 of I.P.C., under Section 4 read with 25 of the Indian Arms Act and under Section 37(1)(3) read with 135 of the Maharashtra Police Act.

2. The applicant is arrested on 13th February, 2019. The investigation is over and the charge-sheet is filed.

3. The prosecution case pertains to murder of one Sunil Arade. The FIR is lodged by the first informant Aniket Chandane. It is alleged that on 4th February, 2019 at about 10:00 p.m., he was

called by his uncle Sunil Arade (deceased). He told him that he had some altercation with one Ravi. Sunil called the informant for help. Accordingly the informant along with his friends Kiran, Salman, Renold, Adjan Qureshi went to the house of Sunil. Sunil told them to proceed towards Dapodi. The informant and Salman started walking towards that direction. When he reached across the bridge, he saw that his uncle was encircled by assailants. About 10 to 12 assailants came there with sickles and sticks. The informant tried to intervene. Renold and Salman tried to help him, but, all of them were assaulted. Informant's uncle Sunil was assaulted. The informant and his uncle fell down at the spot in injured condition. They were removed to Government Hospital and the informant's uncle Sunil succumbed his injuries. The deceased had developed enmity with Ravi Manjrekar who was indulging in gambling activities.

4. The first informant not named the applicant in the FIR. The supplementary statement was recorded on 15th April, 2019 in which for the first time the applicant was implicated stating that he has assaulted the complainant and deceased by fist and kick blows. Apart from the complainant there are statements of two other eye witnesses Anuradha Arade and Mangala Chandane. In their first statements they had not named the applicant. However,

subsequently, the name of the applicant was disclosed and attributed role of assault by fist and kick blows.

5. Learned APP submitted that the Test Identification Parade was conducted and the applicant has been identified in the Parade. It is submitted that all the accused had formed unlawful assembly and they had assaulted the complainant and deceased. The applicant was amongst them.

6. The co-accused Gurudatta Manohar Jadhav had preferred bail application No. 2381 of 2019 before this Court. He was granted bail vide order dated 17th October, 2019. While granting bail the Court had taken into consideration and fact that in the complaint and the statements of the witnesses he was not named. However, in the supplementary statements his name was reflected. The role of assaulting by fist and kick blows was attributed to him. Only distinguishing feature between the applicant and co-accused who has been granted bail is that the accused Gurudatta Manohar Jadhav was not identified. The applicant has been identified, apparently after supplementary statement. The question still remains as to how the name of the applicant was reflected in the supplementary statement, although the applicant was not named in the initial statements by all the witnesses. The applicant is arrested on 13th February, 2019 and

the charge-sheet is filed. Considering these circumstances case for grant of bail is made out.

7. Hence, I pass the following order.

ORDER

- i) Bail Application No. 2417 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 150/2019 registered at Bhosari Police Station on furnishing P.R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 10.00 am. to 12.00 pm. till further order.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)