

2. The prosecution case against the applicant is, on 7th January, 2018, other co-accused assaulted Ashok Sawant, who was

pillion rider with the complainant, Vinod Mahadev Sonawane. Vinod Sonawane claims to be an eye witness to the offence in question.

3. In the investigation, it is noticed that at the relevant time, the present applicant was working with the Police department. The main accused-Anil Waghmare, on 14th January, 2018 was harboured by the present applicant. It is claimed that the offence in question took place out of differences over the operation of cable connections in Kandivali area. Deceased was socially and politically influential figure.

4. The applicant-accused no.7 alleged to have harboured accused no.3, Anil Waghmare and the statement of Ratan Dilip Korade claimed to be recorded so as to substantiate the same. In the statement of Ratan Dilip Korde, it is claimed that the present applicant was standing at a particular point and the applicant uttered the word, that has conspired said third person, namely Anil Waghmare murdered Ashok Sawant, who belongs to their community.

5. As such, the implication of the applicant is based on the statement of witness, Ratan Dilip Korade. The statement of Ratan

Korade implicates the accused to the extent of conspiracy as was planned between the accused persons and harbouring the accused Anil Waghmare. As far as the angle of conspiracy is concerned, no specific role in the matter of hatching conspiracy could be noticed. There is no material available on record, so as to implicate the applicant in the offence in question but for self incriminating statement made by the applicant to witness Ratan.

6. One of the co-accused Soheli Aziz Dodhiya, who has made available an auto rickshaw to the main accused is already granted bail on 22nd March, 2019, by this Court.

7. In the aforesaid background, the present application stands allowed. Hence, the order :

ORDER

i) The applicant be released on bail in Crime No. 20 of 2018 registered with Samata Nagar Police Station on furnishing P.R. bond in the sum of Rs.50,000/- with one or more sureties in the like amount.

ii) The applicant shall not enter into jurisdiction of Samata Nagar Police Station and shall not involve in similar type of offences.

- iii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- iv) Unless exempted, the applicant shall not remain absent before the trial Court and shall co-operate the trial Court in the decision of the trial.
- v) Upon failure to attend any two consecutive dates before the trial Court, the bail of the applicant shall automatically shall stands cancelled.
- vi) The application is allowed in above terms.

(Nitin W. Sambre, J.)