

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

CRIMINAL BAIL APPLICATION NO. 3108 OF 2019

Akshay Balraj Kagade

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Zaid Qureshi, Advocate for the Applicant.

Smt. Veera Shinde, APP for the state-respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 9th January, 2020

PC :

1. This is an application for bail in C.R. No. 444 of 2017 registered with Dehuroad Police Station, Pune for offences punishable under Section 302, 324, 143, 147, 148, and 149 of Indian Penal Code.

2. The FIR was lodged on 12th September, 2017 by Chetan @ Pande. He stated that about 7 to 8 persons got down from the auto rickshaw. They were armed with wooden logs. Ankush Bidlan was amongst them. The other accused inquired as to who is Subhan. At that time Subhan identified himself. One of the accused assaulted Subhan by wooden log on his head. The complainant Santosh Kamble and Aarbaj ran away from the place of incident. The accused assaulted Subhan by wooden log. Ankush Bidlan picked up the stone

lying near the place of incident and thrown it on the head of Subhan. The FIR was lodged against Ankush Bidlan and unknown persons. The supplementary statement was recorded on 15th September, 2017. In the said statement he had stated that Ankush Bidlan was arrested by the police and he was brought at the spot of incident. He learnt from the police that the offence was committed by Naresh Bidlan, Pankaj Bidlan, Hrutik Kagada, Sahil Sarsar, Taras, Gabbar, Kalu and Akshay Balraj Kagda (Applicant). Learned counsel for the applicant submitted that except the aforesaid statement nobody has referred to the presence of the applicant at the scene of offence. The statements of two other witnesses present at the scene of offence were recorded. There was no Test Identification Parade for identifying the applicant. The applicant was arrested on 29th November, 2018. In these circumstances further detention of the applicant is not warranted. Learned counsel for the applicant further submitted that there are no criminal antecedents against the applicant. Hence, case for grant of bail is made out.

ORDER

- i) Bail Application No. 3108 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 444 of 2017 registered

with Dehuroad Police Station, 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 10.00 am. to 12.00 pm. till further order.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)