

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

CRIMINAL BAIL APPLICATION NO. 3039 OF 2021

Kiran Ram Gulave	...Applicant
Versus	
The State of Maharashtra	...Respondent

Dr. Yug Mohit Chaudhry a/w Mr. Dashrath Gaikwad for the Applicant

Mr. A. A. Palkar, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 28th SEPTEMBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No.590/2018 registered with the Barshi Police Station, for the alleged offences punishable under Sections 302, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code; under Section 4(25) of the Indian Arms Act and under Section 135 of the Maharashtra Police Act.

3 Perused the papers. According to the prosecution, the incident took place on 29th October 2018 at 8:00 p.m, when Ankul @ Golu Chavhan (deceased) was holding his 3-year old daughter and chit-chatting with his friends i.e. eye-witnesses Anil Shelavane, Akash Hande and Ratnakar Chitrav, opposite Janta Sahakari Bank, Uplai Road, Barshi. According to the eye-witnesses, 8 known accused and 3-4 unknown accused assaulted Ankul @ Golu Chavhan (deceased) with sword, sickle, iron rod, wooden log and stones. The known accused were arrested during the course of investigation and charge-sheet was filed as against them.

4 As far as the applicant is concerned, he was arrested on 12th June 2019 on the basis of suspicion. It appears that in the test identification parade, which was held (since 3-4 unknown persons were also involved in the commission of the offence), 4 witnesses i.e. Ratnakar Chitrav, Akash Hande, Anil Shelavane and Akash Chavhan (complainant) have identified the applicant as being one of the unknown person. The said test identification parade was held on 15th June 2019.

5 Learned counsel for the applicant submitted that the applicant was known to Ratnakar Chitrav and Akash Hande, as Ratnakar was his school friend and Akash was a face-book friend. As far as Akash Hande is

concerned, learned counsel relied on the photographs of the face-book pages, which are at pages 213 to 215, to show that the applicant and Akash Hande were face-book friends and as such, were known to each other. Learned counsel for the applicant submitted that since Akash Hande and the applicant were friends, certainly Akash would have disclosed the name of the applicant, if he was amongst the 3-4 unknown persons.

6 *Prima facie*, there seems to be some substance in the said submission. There is no recovery of any weapon at the instance of the applicant. The applicant has no antecedents.

7 Considering the aforesaid, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two local sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m, till the conclusion of the trial;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

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

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8 The application is accordingly disposed of in the aforesaid terms.

9 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.