

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

CRIMINAL BAIL APPLICATION NO. 1009 OF 2019

Akshay Kachru Sarode
Versus
The State of Maharashtra

...Applicant
...Respondent

Mr. Aniket U. Nikam for the Applicant

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent–State

PC-1509 Mr. Suraj D. Wadekar from Ranjangaon Police Station, Pune, is present

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 25th MARCH 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. 93 of 2018 registered with the Ranjangaon Police Station, Pune, for the alleged offences punishable under Sections 302 and 201 of the Indian Penal Code.

3 Learned counsel for the applicant submits that the applicant has been falsely implicated in the said case. He submits that there are discrepancies in the statements of witnesses recorded by the police under Section 161 of the Criminal Procedure Code (`Cr.P.C`) and in the statements recorded by the Magistrate under Section 164 Cr.P.C. He submits that the applicant has no antecedents.

4 Learned A.P.P opposes the bail application. He submits that witness Santosh Sarode and the applicant's wife have, in their 161 statements clearly spelt out the role of the applicant. Learned A.P.P, however, does not dispute the fact that the applicant has no antecedents.

5 Perused the papers, in particular, the statements recorded of the witnesses, both under Section 161 and under Section 164 Cr.P.C. Admittedly, in the FIR/complaint lodged by Arun Bapu Sagve, the name of the accused has not been disclosed, inasmuch as, the same is against unknown person. The motive for the offence is also not spelt out in the FIR. The incident of assault by the accused on deceased-Pradeep is stated to have taken place on 9th June 2018 and Pradeep's body was found on 12th June 2018 in a pond, pursuant to which, his uncle-Arun Sagve lodged an

FIR. Having perused the statements of the witnesses i.e. Deepali Akshay Sarode (wife of the applicant), Santosh Madhukar Sarode (neighbour), the same clearly show that there are discrepancies in their statements recorded under Section 161 Cr.P.C and 164 Cr.P.C. In the 161 Cr.P.C, the said witnesses have stated that the applicant had also assaulted deceased Pradeep along with Ajit, however, in the 164 statement, both these witnesses have stated that it was Ajit who assaulted the deceased. Admittedly, the applicant has no antecedents. Investigation is complete and charge-sheet is filed.

6 Considering what is stated hereinabove, the applicant deserves to be 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 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. until further orders;

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

(iv) 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;

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

(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.

7 The application is allowed in the aforesaid terms and is accordingly disposed of.

8 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.

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

REVATI MOHITE DERE, J.