

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

CRIMINAL BAIL APPLICATION NO.2147 OF 2021

Amit Anil Pille @ Pillai	..Applicant
Versus	
The State of Maharashtra	..Respondent

**WITH
CRIMINAL BAIL APPLICATION NO.2199 OF 2021**

Deepak Fula Bhagwane	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Mohammed Umar Kazi a/w Mr. Ammar Nizami, Advocates for the Applicants in both applications.

Mr. J. S. Lohokare, APP for the Respondent - State.

Mr. Atul Maruti Sonawane, API, Vithalwadi Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 16th NOVEMBER, 2021

PC.

1. Applicant – Amit was arrested on 8th December, 2020, whereas applicant – Deepak was arrested on 9th December, 2020 in Crime No. I-191 of 2020 registered with Vithalwadi Police Station for the offence punishable under Sections 302, 307, 143, 144, 147, 148, 149 of IPC and Sections 37(1) and 135 of Maharashtra Police Act.

2. The prosecution case against the present applicants is

that they being part of unlawful assembly with common intention carried out murderous attack on the complainant and his friend.

3. The applicants for the first time were named in the statement made under section 164 of the CrPC on 5th September, 2020. The incident claimed to have occurred on 2nd July, 2020. Since 2nd July, 2020 till the statement under section 164 of the CrPC is recorded, none of the eye witnesses named the applicants with any overt act.

4. As far as the applicant – Amit is concerned, I am informed that there are no antecedents whereas the applicant – Deepak, there are three antecedents of causing bodily injury.

5. As such, from the charge-sheet, it could be inferred that both these applicants are implicated after a delay of about two months for which no plausible explanation is made out. Only the complainant has named the applicants, otherwise none of the eye witnesses attributed any role to the applicants.

6. In that view of the matter, both these applications are allowed.

7. Applicants are directed to be released on bail in Crime No. I-191 of 2020 registered with Vithalwadi Police Station for the offence punishable under Sections 302, 307, 143, 144, 147, 148,

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149 of IPC and Sections 37(1) and 135 of Maharashtra Police Act on executing P. R. bond of Rs.25,000/- with one or more sureties in the like amount. Applicants shall neither influence the witnesses in any manner nor tamper with the evidence.

8. Applicant – Deepak shall himself keep away from the jurisdiction of the police station till the charge is framed.

9. Any two consecutive absence of the applicants before the trial court will entail the trial court to take out proceedings for cancellation of bail.

10. Both applications as such stand disposed of.

[NITIN W. SAMBRE, J.]

Order corrected pursuant to speaking to minutes order dated 29/11/2021.