

treatment the deceased expired on 21st February 2020, pursuant to which, Section 302 of the I.P.C. was added and the applicant came to arrested on 22nd February 2020. It appears from the complaint/FIR lodged by the complainant (deceased) that on 19th February 2020 at about 8:30 p.m., he had taken an advance amount of Rs.1,000/- from one Sanjay Gortewal. He has stated that thereafter as he was proceeding towards Laxmi Narayan Talkies, he met his friends i.e. the applicant and two others. He has stated that as it was accused No.3 - Ajit@Ajju Shaikh's birthday, he and the three accused including the applicant proceeded on the applicant's motorcycle towards Kumtha Naka for drinking alcohol. It appears that thereafter all of them i.e. complainant and three accused decided to proceed to the MIDC area for consuming alcohol and accordingly they all left on the applicant's motorcycle towards the MIDC area. At around 10:15 p.m. when they were sitting in the open ground, accused No.1 – Prabhakar and accused No.3 - Ajit@Ajju told the complainant that they wanted to drink and that he should give them alcohol. It appears that the complainant told them that he did not have money, pursuant to which, the said persons started abusing the complainant. It is alleged that accused No.1 – Prabhakar picked up a stone and threw it at the complainant, as a result of which he sustained a serious injury. The applicant and co-accused – Ajit@Ajju are also alleged to have abused and thrown stones at the complainant. Thereafter, after the

complainant fell on the ground, accused No.1 – Prabhakar is stated to have pulled out Rs.950/- forcibly from the complainant's pocket. According to the complainant, accused No.1 – Prabhakar, threw a stone on his head and the applicant threw a stone which was lying on the spot on his left leg and knee. Although there was fracture to left knee, it appears that the cause of death was due to head injury. The complainant himself has lodged the FIR and succumbed to the said injuries after a few days. It appears that the applicant and the complainant (deceased) were friends and the incident appears to have taken place in the circumstances as stated aforesaid.

4. Having regard to the role of the applicant, his further detention is not warranted. The applicant is in custody since 22nd February 2020. Investigation is complete and charge-sheet is filed. The applicant has no antecedents.

5. 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. 15, 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 from 10:00 a.m. to 1:00 p.m. till the conclusion of the trial;
- (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 a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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

7. 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.

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

REVATI MOHITE DERE, J.