

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

BAIL APPLICATION NO. 1143 OF 2020

Prasannajeet Dilip Jadhav ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ammar I. Nizami i/b. Mr. Mohammed Umar Kazi, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th MARCH, 2021

PER COURT:

1. This is an application for bail in connection with C.R. No. I-257 of 2018 registered with Ambernath Police Station for offences punishable under Sections 302, 452, 143, 148, 149 and 341 of the Indian Penal Code, 1860 (for short “IPC”). The First Information Report (for short ‘FIR’) was lodged on 22nd September, 2018.

2. The case of the complainant is that, on 21st September, 2018 at around 9.15 p.m., complainant’s brother James and three unknown persons barged into the house and assaulted her husband with wooden logs. One of the assailants assaulted her husband on

head with broken piece of tile lying over there. Resultantly, he succumbed to injuries. Investigation is completed and the charge-sheet is filed.

3. Learned advocate for the applicant submitted that in the Test Identification Parade on 5th November, 2018, complainant had identified three assailants including the applicant. However, neighbours, who had seen the assailants while fleeing away from the spot, could not identify the applicant and another accused.

4. Complainant in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, stated that co-accused was armed with spade handle.

5. Learned APP submitted that offence is of serious nature. Post-mortem report shows that cause of death was 'head injury'.

6. I have perused the documents on record and statement of complainant under Section 164 of Cr.P.C. No specific role has been attributed to the applicant. Considering these circumstances, bail can be granted to the applicant. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 1143 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-257 of 2018 registered with

Ambernath Police Station on executing 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 first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

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

(v) The applicant shall furnish the details of his place of residence after he is released on bail to the Investigating Officer.

(vi) It is clarified that the observations made in this order are prima facie for considering the application for bail and the trial Court shall not be influenced by the same during the trial.

(vii) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)