

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3574 OF 2021

Prem Dinesh Wayse ...Applicant

Versus

The State of Maharashtra ...Respondent

.....
Mr. Shekhar A. Ingawale for the Applicant
Mrs. P.P.Shinde, APP for the Respondent -State.

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CORAM : V.G.BISHT, J.
RESERVED ON : 16TH NOVEMBER, 2021
PRONOUNCED ON : 23RD NOVEMBER, , 2021

PC:-

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 779 of 2018 registered with Baramati City Police Station, Pune for offences punishable under Sections 386, 387, 302, 120-B read with 34 of the Indian Penal Code (the IPC).

2. Informant is the wife of Krushna @ Nana Mahadev Jadhav (since deceased). The prosecution alleges that the

applicant along with other accused used to harass the deceased and demand extortion amount in the sum of Rs. 30 lacs which deceased had refused to part with. Keeping this grudge in mind, it is alleged that on 5th November, 2018, the applicant along with other accused assaulted deceased by means of a sharp weapon and caused his death. Informant accordingly lodged the report.

3. Mr. Ingawale, learned Counsel for the applicant, claims parity on the ground that some of the accused have already been released on bail by this Court and the trial Court. Role of the present applicant is similar to those who are released on bail. There is no direct or indirect evidence to suggest that the applicant had participated in the crime or that he was one of the assailant. In such circumstances, the applicant deserves to be released on bail, argued learned Counsel.

4. Mrs. Shinde, learned APP, on the other hand, fairly submits that the applicant along with other accused used to

demand amount of extortion from the deceased but as far as assault on the person of the deceased is concerned, the statements of Vijay Aatmaram Pote and his son Pritam Vijay Pote would show that on 5th November, 2018, the deceased was assaulted by one Sahil Bade, Vinayak Shitole and Rahul Chavhan by means of sickle. Name of the applicant does not figure in their respective statements. Other accused, namely, Avinash Pradeep Jadhav, on the similar ground, has been released on bail by this Court (**Coram : N. J. Jamadar, J.**) vide order dated 30th October, 2021. Similarly, other accused Sandeep Dattu Mane has been released on bail by the trial Court and so also accused Akshay Sanjay Bhosale by this Court (**Coram : Prakash D. Naik, J.**) on 30th July, 2021 on the similar grounds.

5. In view of above, since no direct or indirect evidence is forthcoming in the alleged assault, the present applicant also deserves the parity. Hence, the following order :

ORDER

(i) Applicant- Prem Dinesh Wayse shall be released on bail in C.R. No. 779 of 2018 registered with Baramati City Police Station, Pune on his executing P.R. Bond in the sum of Rs. 25,000/- with one or two surety / sureties in like amount.

(ii) The applicant shall not tamper with prosecution evidence.

(iii) Bail before the trial Court.

(iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(v) The application is allowed in the aforesaid terms and disposed of accordingly.

(V.G.BISHT, J.)

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