

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

CRIMINAL BAIL APPLICATION NO.2467 OF 2021

Atul Ravindra Bhanage

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Vaibhav Gaikwad a/w Mr.Ramnik Pawar i/b Mr.Shrikant F.
Hutagikar for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 10 MARCH 2022

P.C.

. By this Application, the Applicant (Accused No.5) is seeking bail in Crime No.974 of 2020 registered with Satara City Police Station, District-Satara, under Section 302, 120(B), 109 read with Section 114 and 34 of the Indian Penal Code.

2. I have heard the learned counsel for the parties.
Perused record.

3. The perusal of the statement of the eye witness namely Gaurav Ananda Surywanshi shows that the incident in question happened on 15 December 2020 at about 10.15 to 10.30 p.m. in front of the Khandu Tea Stall wherein the co-accused Akash Ballal, Aman Sayed, Tushar Dhotre and Akash

Shinde are alleged to have assaulted the deceased Bajrang Gawade by means of sharp weapons resulting into death of Bajrang Gawade.

4. A perusal of these statements shows that according to the eye witness the co-accused Akash Ballal and Aman Sayed were holding a Sickle (Koyta), the accused Tushar Dhotre was having a sword while Akash Shinde was having wooden stick by which the co-accused assaulted the deceased.

5. Insofar as the present Applicant is concerned the witness Gaurav Suryawanshi does not attribute any role to him except that the incident had happened near the *Gala* of the present Applicant. The witness Chetan Suryawanshi claims that the weapons were given to the co-accused by the Applicant from his gala. In any event there is no allegation of any assault which is attributed to the Applicant on the deceased.

6. The learned Additional Public Prosecutor did not dispute that there is no recovery from the present Applicant of any incriminating articles. It is also not disputed that no assault is attributed to the Applicant on the deceased. The investigation is complete and the charge-sheet is filed.

7. In such circumstances, the following order is passed.

ORDER

(i) The applicant-Atul Ravindra Bhange be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.

(ii) The applicant shall undertake to remain present before the learned Session Judge during the trial, unless exempted.

(iii) The applicant shall not tamper with the prosecution evidence/witnesses.

(iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(v) The bail bonds to be furnished before the learned Sessions Judge.

(vi) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.