

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

CRIMINAL BAIL APPLICATION NO. 66 OF 2022

Sagar Popat Darekar	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Nitin Baban Kamble a/w Mr. Vaibhav Chandanshive
Advocate for the applicant.

Mr. N. B. Patil, APP for the Respondent – State.

Mr. Vijay Khomne, PI, Dattawadi police station, present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 13th OCTOBER, 2022

PER COURT:

1. The applicant is arrested on 16.07.2021 in connection with C.R. No. 149 of 2021 registered with Dattawadi Police Station, Pune for offence punishable under Sections 302, 143, 144, 147, 148, 149, 504, 506 read with 120-B of the Indian Penal Code, Section 4(25) of the Arms Act, Sections 37(1), 135 of Maharashtra Police Act and Section 7 of the Criminal Law Amendment Act.

2. The FIR was registered on 12.07.2021 at the instance of Omkar Shivaji Kiratkarve. It is alleged that on

11.07.2021 several persons, who are named and unnamed had assaulted the deceased by weapon. The accused were armed with sickle and iron rod. Some of them assaulted with fist and kick blows. The deceased Akshay succumbed to the injuries. The supplementary statement of Omkar Kiratkarve was recorded on 13.07.2021. In the said statement, he has referred to applicant as one of the accused participated in the assault by fist and kick blows. The statement of Madhukar Kashid was recorded on 12.07.2021. He has referred to the assault by the accused, he has not named the applicant as assailant. After the applicant was arrested, the statement of Yash Dinesh Mervade and Ashutosh Gaikwad were recorded on 23.07.2021. They have named the applicant as person participated in the assault and attributed the role of assault by fist and kick blows.

3. Thus, first informant has not named applicant in the FIR. In the supplementary statement role of assault by fist and kick blows is attributed to the applicant. In the statement of two other witnesses recorded after the arrest of the applicant, role of assaulting by fist and kick blows is attributed to applicant. The applicant is in custody from

16.07.2021.

4. Learned APP, on instructions, from the officer present in the Court, submitted that some offences under the gambling Act are registered against the applicant. Learned APP further submitted that there is seizure of blood stains cloths from the applicant.

5. Considering the factual aspects stated above, bail can be granted to the applicant.

ORDER

(i) Criminal Bail Application No. 66 of 2022 is allowed;

(ii) The applicant is directed to be released on bail in connection with C.R. No. 149 of 2021 registered with Dattawadi Police Station, Pune on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

(iii) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.20,000/- for a period of eight weeks in lieu of surety.

(iv) The applicant shall report concerned Police Station once in a month on first Saturday of the month for a period of three months and thereafter, once in six months on first Saturday of the month between

11.00 a.m. to 1.00 pm till further orders.

(v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)