

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.208 OF 2022

Nilesh Jitendra Phadtare

Applicant

versus

The State of Maharashtra

Respondent

Mr.PB.Kamble i/by Mr.PG.Sarda, Advocate for applicant.

Ms.PN.Dabholkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th October 2022

PC :

1. The applicant is arrested on 7th June 2021 in C.R No.484 of 2021 registered with Wakad Police Station for offences under Section 302, 506(II), 120-B r/w 34 of Indian Penal Code, Section 4(25) of Arms Act, Section 37(1) and (3) r/w 135 of Maharashtra Police Act.

2. The case of prosecution is that on 6th June 2021 the informant received a call that few persons have assaulted his friend Pankaj Dhotre with sickle. The complainant reached to the spot. He found Pankaj Dhotre in pool of blood. He was taken to hospital. While going to hospital Pankaj Dhotre told him that on account of previous dispute with Manthan Chavan, Vaibhav Gaikwad, Prathamesh Shinde, he was assaulted by them with sickle. Pankaj Dhotre was declared dead in hospital.

3. Learned advocate for applicant submitted that applicant is in custody from 6th June 2021. He has no criminal antecedents. There

is no evidence to involve him in the crime. The applicant is not named in the FIR nor in the statement of eye witness of the incident. The only role which appears from the statements of witnesses is that applicant had introduced one of the accused Manthan Chavan to the said witness asking him to harbour him, however, the said request was not accepted. The said witness, however, was able to convince the accused to surrender before Police.

4. Learned APP submitted that the applicant is one of the conspirators in the crime. On account of previous dispute the accused had conspired to liquidate the deceased.

5. There are calls between accused to show his association with assailants. The statement of first informant and other witnesses do not indicate in any manner that applicant was involved in assault of the deceased. There is no cogent evidence to show his involvement in the crime. Assuming that there are calls between applicant, that by itself is not a circumstance to show applicant's involvement in the crime. Prima facie there is no evidence to show that applicant is conspirator. Prima facie there is no motive for the applicant to commit crime. He has no motive to commit crime. Considering the aforesaid aspects, further detention of the applicant is not called for.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with C.R No.484 of 2021 registered with Wakad Police Station, on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for eight weeks in lieu of sureties;
- (iv) The applicant shall report Wakad Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (v) The applicant shall not tamper with evidence;
- (vi) The applicant shall attend Trial Court on dates of hearing regularly, unless exempted by Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST