

CRIMINAL BAIL APPLICATION NO.783 OF 2022

Deepak @ D uttam Dakhore ...Applicant
Versus
The State Of Maharashtra ...Respondent

Mr. Harshwardhan Akolkar, Advocate for the Applicant.
Mr. A. A.Palkar, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 4th OCTOBER, 2022.

PER COURT:

1. The applicant is seeking Bail in CR No.180 of 2021 registered with Bibwewadi Police Station, Pune, for the offence punishable under Sections 307, 504, 506, 427 read with 34 of Indian Penal Code. The FIR was registered on 22nd August, 2021.
2. The complainant has alleged that on 21st August, 2021, at about 11.30 pm while he was taking walk, accused nos.1 and 3 and other persons came there in auto-rickshaw. Accused no.1 threatened the complainant for his association with Saurabh Shinde. Accused no.1 then tried to give sickle blow on his person which was evaded by him as he managed to move away from the place of incident. After reaching some distance, he saw that the other accused with accused no.1 were having stones in their

hands. The applicant was arrested on 23rd August, 2021. On completion of investigation, chargesheet has been filed.

3. Accused No.1 Monty Karlekar has been arrested and granted Bail.

4. It is submitted that the applicant has been falsely implicated. No Test Identification Parade is conducted to establish that he was amongst four persons who were with accused no.1 on the date of alleged incident. The applicant is in custody for a period of one year.

5. Learned APP submitted that several other cases are pending against the applicant. While he was on parole, he has committed the present crime. He relied on the statement of witness Anuradha Kamble. The said statement was recorded on 24th August, 2021. She stated that the applicant was armed with sickle and threatening the people in the area alongwith others.

6. It is pertinent to note that the first informant has not stated that any other person except Monty Karlekar was holding any weapon. Statement of Smt. Anuradha Kamble was recorded on 24th August, 2021 where she was allegedly named the applicant and alleged that he was holding sickle. The applicant was arrested on 23rd August 2021. As per FIR the role of the applicant was that

he was with accused no.1. No overtact was attributed to him. Accused No.1 got down from auto-rickshaw and tried to assault complainant.

7. Considering these facts, Bail can be granted to applicant.. Hence, I pass following order:

:: ORDER ::

- (i) Criminal Bail Application is allowed.
- (ii) The applicant is directed to be released on Bail in CR No.180 of 2021 registered with Bibwewadi Police Station, Pune on executing PR Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- (iii) The applicant shall report concerned police station once in a month on the first Saturday of every month between 11.00 am to 1.00 pm.
- (iv) Criminal Bail Application is disposed of.

(PRAKASH D. NAIK, J.)