

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

CRIMINAL BAIL APPLICATION NO. 1047 OF 2020

Vishwas Gulab Londhe ..Applicant
V/s.
The State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION NO.3334 OF 2021
IN
CRIMINAL BAIL APPLICATION NO. 1047 OF 2020**

Sourabh Sambhaji Chavan .. Intervener / Applicant

In the matter between

Vishwas Gulab Londhe ..Applicant
V/s.
The State of Maharashtra ..Respondent

Mr.Umesh R. Mankapure for the Applicant.
Mr. Samay Pawar i/b. Sunil Kamble for the Intervener.
Mr.Y.Y. Dabake, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 4 JANUARY 2022

P.C.

1. The Applicant (Accused No.3) along with Accused Nos.1 and 2 has been chargesheeted for the offence punishable under Sections 302 and 504 r/w Section 34 of Indian Penal Code and Sections 4 and 25 of the Arms Act.

2. The prosecution case as disclosed from the complaint lodged by Saourabh Chavan is that on 8th October, 2015 at about 7.45 pm, Saourabh Chavan and deceased Aniket @ Bablu Shivaji Pharne were standing at Tarun Bharat Chowk, at Shigaon, Taluka

Walwa, District Sangli. At that time, one Umesh Chavan came there informing that Accused Nos.1 and 2 viz. Shailesh and Nilesh are going to assault / kill him (Aniket). After this, the complainant Saourabh Chavan and Aniket went to the house of accused Shailesh in order to accost him. It is material prosecution case that Shailesh and his brother Nilesh (Accused Nos.1 and 2) along with the present Applicant who is the maternal uncle of Accused Nos.1 and 2 were present in the house. When Aniket accosted Shailesh and Nilesh, they both went inside the house and Shailesh came back with a knife and Nilesh with sword and started assaulting Aniket by the said weapons after abusing him. The allegation insofar as the present Applicant is concerned, is that he had caught hold of Aniket from behind when he was assaulted by the Accused. Upon investigation the chargesheet is filed.

3. I have heard learned counsel for the Applicant and the learned APP appearing for the State and the learned counsel for the Intervener in Criminal Interim Application No.3334 of 2021. Perused record.

4. It appears that there are three eye witnesses apart from Sourabh who was also injured in the incident viz. Nilesh Chavan, Mahesh Pharne, Abhijit Dhangar, who stated that the Applicant had caught hold of Aniket when he was assaulted.

5. *Prima facie*, it appears that it was Aniket and Saurabh who went to the house of Accused Nos.1 and 2 in order to accost them and thus only allegation insofar as the present Applicant is concerned is about Applicant having caught hold of the deceased. It is not pointed out that there is recovery of any blood stained clothes from the present Applicant. In all probability looking to the nature of the injuries sustained by Aniket who died Hemorrhage shock, there ought to be blood stains on the clothes of the Applicant,

if any at all. The Applicant had held the deceased at the time of assault. I hasten to add that this is only a *prima facie* opinion for the limited purpose of deciding the Application for bail. As noted earlier, the investigation is complete. From the nature and genesis of the incident, it does not appear that Umesh Chavan who informed Ankit and Saurabh about possible threat of assault by Nilesh and Shailesh, did not name the present Applicant. There is no allegation of any assault as such by the present applicant on the deceased.

6. Considering the overall circumstances I find that discretion can be exercised in favour of the Applicant. Hence the following order;

ORDER

- i) The Applicant shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount;
- ii) The Applicant shall not tamper with the prosecution evidence / witnesses.
- iii) The Applicant shall punctually remain present before the learned Sessions Judge, during the course of trial.
- iv) Bail bonds to be furnished before the learned Sessions Judge.

7. Criminal Bail Application is disposed of in the aforesaid terms. In view of disposal of Bail Application, the Interim Application, if any, stands disposed of.

(C.V. BHADANG, J.)