

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4132 OF 2021

Amol Bhausahab Kardile

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aniket Nikam with Mr.Aashish Satpute i/by Mr.Amit Icham,
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 3rd February 2021 in connection with C.R No.486 of 2020 registered with Shirur Police Station, Pune Rural for offences under Sections 307, 363, 143, 147, 148, 149, 188 of Indian Penal Code and under Section 135 of Maharashtra Police Act.

2. The prosecution case is that on 12th August 2020 the complainant and Sunil Ghavte were together. The accused came in their car and threatened the complainant and his friend. They were forced to sit in their vehicle and taken to hill at Kurund, Taluka Parner. The accused assaulted them with iron rod. The applicant was allegedly armed with revolver which was brandished by him but was not used. On completing investigation charge sheet was filed.

3. Learned advocate for applicant has submitted that eye witness Vijay Ghavte did not see that applicant was holding revolver in his

hand. Assuming that applicant was holding revolver in his hand, there was no firing from it. The complainant had named Amol Kardile, Namdeo Padwal, Yogesh Padwal, Chetan Ubale, Avinash Nagare, Aakash Patvekar, Suraj Ichake, Harshel Gosavi and others as the persons who were present at the scene of offence. No evidence was found against them. The accused were attributed role of assaulting the complainant and his friend, who are granted bail. Except applicant all are on bail. There is no recovery of revolver or any other weapon. The applicant is in custody for substantial period of time. The only ground on which the application was rejected by Session Court is that there are criminal antecedents against applicant. In most of the cases the applicant has been acquitted. In spite of antecedents the applicant has been granted bail by Aurangabad Bench of this Court in C.R No.50 of 2021 registered with Parner Police Station for offences under Sections 307, 323, 324, 143, 147, 148, 149, 323 of IPC.

4. Learned APP submitted that role of applicant can be distinguished from other accused who are granted bail. Upon reading the FIR in entirety it can be inferred that applicant was also involved in assaulting the injured person by weapon and also threatened the victim by revolver. There are eye witnesses to the incident. The injured was forced to sit in car. There are two injured persons. There are several cases registered against applicant in the past.

5. On reading the FIR it appears that the first informant had named the persons in the FIR who were involved in the assault. Role of assault has been attributed to the co-accused. There is no

recovery of weapon from the applicant i.e. revolver or any other weapon assuming that they were used in the crime. The applicant is in custody from 3rd February 2021. The friend of Sunil Ghavte was also assaulted. He has not named the applicant. Apparently there is no test identification parade. Hence bail can be granted.

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. 486 of 2020 registered with Shirur Police Station, Pune Rural, on executing PR bond in the sum of Rs,.25,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for eight weeks in lieu of sureties;
- (iv) The applicant shall attend Shirur Police Station once a month on every first Saturday of the month between 11 am and 1 pm till further orders;
- (v) The applicant shall not tamper with prosecution evidence;
- (vi) The applicant shall attend Trial Court on dates of hearing regularly, unless exempted for some reason.

(PRAKASH D. NAIK, J.)

MST