

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1324 OF 2023**

Vijay Pandurang Kakde ...Applicant
vs.
State of Maharashtra ...Respondent

Mr. Anant Vadgaonkar i/b Mr. Chandrashekhar S. Patil for the
Applicant.

Mr. S. R. Agarkar APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 12TH JULY 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. Apart from merits, learned APP opposed the Application for grant of bail for the reason that earlier the Applicant has withdrawn Bail Application No.263 of 2023, preferred along with his brother-Hanumant. The said order is there on page 38. This Court has granted bail to co-accused-Hanumant, whereas liberty was granted to present Applicant to withdraw it. At that time submission was made that the charge-sheet will be filed before the trial Court. After filing of the charge-sheet, the Applicant has applied for bail before

the Court of Additional Sessions Judge, Satara but it was rejected.

There is strong opposition on behalf of learned APP for two reasons :

- (a) Considering nature of injuries and few of them are on neck.
- (b) There is recovery of weapon-kukri at the instance of this Applicant. He is named in the FIR having role of use of kukri.

3. As against this learned Advocate for the Applicant made the following submissions :

- (a) There is counter FIR by brother-Hanumant, who is co-accused lodged with the same police station against the present first informant and one another. It is registered under Section 324 read with 34 of IPC. It is on page 25. It does not mentions about presence of present Applicant at the spot. It only mentions that he accompanied the first informant-Hanumant to police station.
- (b) If at all the first informant-Kiran is seriously injured, how can he attend the Court of Additional Sessions Judge for hearing Bail Application filed by him and another in another offence within short period of time. Copy of the said order is at page

130.

- (c) It is contended that the Applicant works in Indian Military, and at present is deputed at Khadki, Pune.

4. It is true that on earlier occasion, his Bail Application was not dismissed on merits. It is also true that there is allegation against him supported by seizure of kukri. It is also true that there is one injury on neck of the first informant. The Applicant is behind bar since December 2022. We are not sure when the trial will start. So also there is counter F.I.R. So I am inclined to grant him bail, subject to the conditions, hence, the following order is passed :

O R D E R

- (a) The Applicant-Vijay Pandurang Kakde be released on bail in connection with C.R. No.414 of 2022 registered with Lonand police station, Satara for the offences punishable under Sections 307, 504, 506 read with 34 of IPC, on furnishing personal bond and surety bond of Rs.25,000/-.
- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
- (c) The Applicant is directed not to enter territorial limits of

Lonand police station, Satara till conclusion of the trial.

- (d) The Applicant is also directed to furnish alternate address to the Lonand police station after his release and to the Court also.
 - (e) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail, after notice to the Applicant.
- 5. Application is disposed of accordingly.
 - 6. These are my prima facie observations and the trial Court may not be influenced by that.
 - 7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]