

VRJ

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

BAIL APPLICATION NO.1561 OF 2023

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VAIBHAV
RAMESH JADHAV
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Akash Uddhav Nawade

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Kuldeep U. Nikam with Mr. Om N. Latpate with Mr.
Surajsingh Malas for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 31, 2023

P.C.:

1. This is an application under section 439 of the Criminal Procedure Code, 1973, in connection with C.R. No.130 of 2021 registered with Dattawadi Police Station, Pune for offences punishable under sections 302, 307, 143, 144, 147, 148, 149, 504, 506, 120-B, 201 of the Indian Penal Code, 1860 and section 4(25) of the Arms Act, 1959 and section 37(1) read with section 135 of the Maharashtra Police Act, 1951 and section 7 of the Criminal Law Amendment Act.

2. Prosecution case in short is as under:

The informant-Dada Maruti Bansode lodged a report on 13th June 2021, alleging that his brother-in-law Saurabh Waghmare requested to accompany him to purchase a second hand mobile via

telephone. At about 06:30 p.m. Saurabh Waghmare came to the house of the informant. Afterwards, the informant along with Saurabh went on motorcycle at Prafulla Kartike and were going to purchase the mobile. Akshay Vinod Veer had called them to give the mobile and when they reached at Parvati Paytha, they saw accused namely Saurabh Alias Mony Vinod Veer, Akshay Vinod Veer, Sachin Alias Dada Pawar, Swami Bharat Kamble. They were introduced to them and as they were discussing about the mobile, all of sudden from the side of Parvati Tekdi, accused-Rushabh Renuse, Aakash Nawade (applicant) and other co-accused came there. They have grudge in their mind regarding the murder of Sangram Lekawale which taken place in April 2021. As the murder of Sangram was done by Saurabh Waghmare and told the informant that they were not called for giving mobile, but they wanted to murder Saurabh Waghmare, at that time, Rushabh Renuse, Akshay Veer and Saurabh Veer took out the sickle and assaulted Saurabh Waghmare on his head and back, and the other co-accused Sachin Alias Dada Pawar, Akash Nawade, Swami Bharat Kamble and others assaulted the deceased with hand and fist blows.

3. On perusal of the charge sheet, it appears that active role of assault has been attributed to Saurabh, Akshay and Rushabh. Role attributed to the applicant is of assault by fist and blows. Cause of death, as per postmortem report, is due to multiple chop injuries. As per the material, sharp edged weapons are attributed to other co-accused. There is no recovery from the applicant. No motive is attributed to the applicant. The applicant has no criminal

antecedents. Therefore, considering the material on record, the applicant has made out a case for release on bail. Hence, following order:

- a) The applicant Akash Uddhav Nawade be released on bail in connection with C.R. No.130 of 2021 registered with Dattawadi Police Station, Pune for offences punishable under sections 302, 307, 143, 144, 147, 148, 149, 504, 506, 120-B, 201 of the Indian Penal Code, 1860 and section 4(25) of the Arms Act, 1959 and section 37(1) read with section 135 of the Maharashtra Police Act, 1951 and section 7 of the Criminal Law Amendment Act, on furnishing P.R. Bond in the sum of Rs.25,000/- along with one or two sureties in the like amount;
- b) The applicant shall attend each and every date before the Trial Court unless specifically exempted by the Court;
- c) The applicant shall mark his presence before the investigating officer on first Saturday of each month between 11.00 a.m. to 02.00 p.m. till the completion of the trial;
- d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court;
- e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not

change the residence till the final disposal of the case.

4. The bail application is disposed of in above terms.

(AMIT BORKAR, J.)