



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

BAIL APPLICATION NO. 1845 OF 2023

PRAKASH KISAN KANK

.. APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Satyavrat Joshi i/b Mr. Shubham Mhatre, for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 11, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 302, 141, 143, 144, 147, 148, 149 of the Indian Penal Code, 1860 registered vide C.R. No. 419 of 2022 with Sinhgad Police Station. The incident is dated 25/09/2022. The FIR is dated 26/09/2022. The applicant is arrested on 26/09/2022.
- 3.** The applicant is the accused no.2. In all there are 14 accused. It is the case of the prosecution that all accused were having party. They noticed the deceased around the place where they were

partying. One of the accused asked the deceased as to what he was doing at that place. The victim ran away. The accused chased him and brought him back. It is alleged that the accused assaulted the victim. The victim succumbed to the injuries. So far as the present applicant is concerned, there is no allegation or material to indicate that the applicant had any role in the assault. There was no recovery from the applicant.

4. Learned APP opposed the application.

5. Considering the role of the applicant, the applicant can be enlarged on bail. The applicant was arrested on 26/09/2022. There is one prior antecedent against the applicant in which he has been acquitted. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Prakash Kank in connection with C.R. No. 419 of 2022 registered with Sinhagad Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the investigating officer of the concerned police station once in a month every first

Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)