

D.A.Ethape

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

CRIMINAL BAIL APPLICATION NO. 3604 OF 2022

Yogesh @ Kidkya Shahaji Doifode	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Ms. Rui Danawala a/w Mr. Ibbrahim Shaikh i/by Ashrat Ali Shaikh
Advocate for Applicant.

Ms. P. N. Dabholkar, APP for Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 4th SEPTEMBER, 2023

P.C.:

1. By this application, the applicant is seeking bail in Crime No. 197 of 2021 registered with Nigdi Police Station, District- Pimpri-Chinchwad for offences punishable under Sections 302, 307, 324, 141, 143, 147, 148, 149, 120(B) and 201 of Indian Penal Code, 1860 ('IPC' for short), Sections 3 and 7 of the Criminal Law Amendment Act and Sections 37(1)(3) read with 135 of the Maharashtra Police Act.

2. It is prosecution's case that, on 20th April 2021 at about 01:20 pm to 01:40 pm., the applicant and other co-accused had formed an unlawful assembly and on account of old quarrel assaulted Shaktiman P. Kamble and his friend Rupesh when they were chitchatting. It is alleged that, the applicant and co-accused came in an auto rickshaw at the

incident spot and assaulted deceased and Rupesh with wooden sticks and aluminum strips. While trying to escape, the deceased fell down and while he was on the ground, the co-accused namely Sanya Gudghi @ Sunny Prakash Mane allegedly assaulted on his head with cement block on multiple times.

3. It is the contention of learned Counsel for the applicant that, no role is attributed against the applicant. In the FIR, name of applicant is shown wrongly. Two other co-accused have been released on bail by the learned trial Court. No recovery is made at the instance of the applicant. The applicant is behind bar almost two years. Hence, requested to allow the application.

4. Learned APP submitted that, the applicant was present at the spot of incident. He was part of unlawful assembly. It shows his involvement in the crime. If the applicant is released on bail, he may threaten the prosecution witnesses or he may abscond. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. In the FIR, the specific allegations of assault on deceased are made by complainant against co-accused Avinash Ghogade, Prasad Bahule, Santosh Valmiki, Nikhil Salve and Durvesh Bhingare. In second paragraph of complaint, name of applicant is mentioned along with other co-accused. The name of the applicant mentioned in the FIR is

Yogesh @ Kidkya Rajbhog as per contention of learned counsel for applicant, his name is Yogesh Doifode. There is no recovery at the instance of the applicant. The allegations against the applicant that, he was present at the spot of incident but no specific role is attributed to him. He is behind bar for almost two years. Considering above facts, his further detention is not required.

7. In view of above, I pass the following order:

ORDER

- (i) Applicant be released on bail in Crime No. 197 of 2021 registered with Nigdi Police Station on executing PR bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall not tamper with the evidence and/or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- (iv) The application is allowed in the aforesaid terms.

[SHIVKUMAR DIGE, J.]