

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3144 OF 2022

Abhishek R. Wakhare ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Ajinkya Udane a/w. Ms Heena Mistry for the Applicant.
Mr. P.H. Gaikwad, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 06.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.8 of 2020 registered at Koregaon Park Police Station, Pune city for the offence punishable under Sections 302, 323, 143, 147, 148, 149, 504 of the Indian Penal Code (IPC).
3. According to the prosecution, there was a rivalry between the deceased and co-accused Aniket Wakhare. It is alleged that on account of said rivalry on 9 January 2020, the present applicant along with other co-accused assaulted the deceased and committed his murder.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. I have perused the charge-sheet and more particularly, statement of eye-witness namely Vishal Dhodke. According to him, when he tried to rescue the deceased while he was being assaulted by other co-accused, the present applicant and co-accused Nilkanth D. Vakhare prevented him from doing so. This witness has not stated that the present applicant assaulted the deceased. The learned Sessions Judge has released the co-accused Faiyaz Mohammad Hanif Shaikh, who according to this witness, assaulted the deceased.

6. The learned APP submits that the present applicant was member of unlawful assembly which assaulted the deceased. It is submitted that there are other criminal antecedents. However, considering the role attributed to the present applicant in crime in question, I am inclined to release him on bail on certain conditions. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 8 of 2020 registered at Koregaon Park Police Station, Pune city for the offence punishable under Sections 302, 323, 143, 147, 148, 149, 504 of the IPC on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not enter into the limits of Pune city except to attend the dates before the trial Courts, till conclusion of trial.

D] The applicant shall provide his residential address and his mobile number, if any, to Koregaon Park Police Station.

[N.R.BORKAR, J.]