



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

BAIL APPLICATION NO. 96 OF 2024

AMOL AABASAHEB DESHMUKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Ashrat Ali Akhtar Shaikh a/w Mr.Ibrahim Shaikh, for the Applicant.

Ms. Sangeeta D. Shinde, APP for the State.

PSI- Mr. D.S. Mundkar, Wakad police station present.

CORAM : M. S. KARNIK, J.

DATE : MARCH 21, 2024

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, 307, 326, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and Section 7 of the Criminal Law Amendment Act registered on 29/07/2022 vide C.R. No.657 of 2022 with Wakad Police Station, Pune. The applicant was arrested on 29/07/2022.
3. It is submitted that co-accused Mahesh Vishnu Jadhav and Sujeet Prakash Londhe are enlarged on bail. The

relevant portion of the order dated 04/03/2024 enlarging

Sujeet Prakash Londhe reads thus :

“2. This is an application for bail in respect of the offence punishable under Sections 302, 307, 326, 324, 323, 504, 506, 143, 148, 149 of the Indian Penal Code and Section 7 of the Criminal Law Amendment Act registered on 29/07/2022 vide C.R. No.657 of 2022 with Wakad Police Station, Pune. The applicant was arrested on 29/07/2022.

3. The co-accused-Mahesh Vishnu Jadhav having an identical role as that of the present applicant has been enlarged on bail by order dated 04/11/2023 passed by this Court in Bail Application No. 3132 of 2023. The said order reads thus :

“2. This is an application for bail in respect of the offence punishable under Sections 302, 307, 326, 324, 323, 504, 506, 143, 147, 148, 149, 120-B read with 34 of the Indian Penal Code and Section 7 of the Criminal Law Amendment Act, registered on 29/07/2022 vide C.R. No.657 of 2022 with Wakad Police Station, Pune.

3. There are in all 8 accused. The applicant is accused No.7. The deceased died as a result of stab injuries. There was some quarrel that took place on the date of the incident i.e. 28/07/2022. It appears that the deceased admonished the accused for encouraging a minor child to eat gutkha which annoyed the accused. Some of the accused stabbed the deceased with a knife. The role attributed to the applicant and some accused is that they pelted stones at the deceased and other injured victims. Learned APP opposed the application.

4. The applicant is not one of the assailants. I have perused the statements of the injured victims. According to the learned counsel for the applicant, there are no criminal antecedents reported against the applicant. The applicant now is in custody for 1 year and 3 months as an undertrial. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. The investigation is complete and the charge-sheet has been filed. The

applicant will face the consequences post-trial if found guilty.”

4. Learned APP made an attempt to oppose the application for bail. However, I find that the co-accused -Mahesh Vishnu Jadhav having an identical role has been enlarged on bail, the present applicant also can be enlarged on bail.”

4. The applicant is not the assailant responsible for the death of the deceased. The allegations against the applicant is that he hit the other injured witness with a spanner on his head. Learned APP submitted that assault is on the vital part of the body. So far as the other injured witness is concerned, there is nothing on record to show that he has suffered serious injury. Though there is recovery of blood stained cloths at the instance of the applicant, however, in the facts and circumstances of the present case and taking into consideration the over all circumstances of the case, I am inclined to enlarge the applicant on bail. The applicant was arrested on 29/07/2022. The applicant does not appear to be a flight risk. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet is filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Amol Aabasaheb Deshmukh in connection with C.R. No.657 of 2022 registered with Wakad 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 is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Wakad police station once in a month every first Wednesday of the month between 11.00 a.m. and 1.00 p.m.
- (e) 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.
- (f) 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.
- (g) Except for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Wakad police station after being released on bail, till further orders of the trial Court.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

5. The application is disposed of.

(M. S. KARNIK, J.)