

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

BAIL APPLICATION NO. 3389 / 2019

Subhash Limba Borade

.....Applicant

V/s.

The State of Maharashtra

....Respondent

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Mr. Machhindra A. Patil i/by. Mr. Vijay Garad,
Advocate for the Applicant.

Mr. R.M. Pethe, APP for State/Respondent.

Ms. Bhagyashri Mangale, Advocate for the Intervenor.

ACP, Mr. Sunil Bodamwad, Pangari Police Station, Solapur
present.

CORAM : SANDEEP K. SHINDE, J.

Friday, 26th February, 2021.

P.C. :

1. Heard Mr. Patil, learned Counsel for the Applicant
and Mr. Pethe, learned APP for State.

2. Applicant has been cited as an accused in Sessions
Case No.19 of 2018 which arose from Crime No.294/2017
registered with Pangari Police Station, Solapur. At the outset,

learned APP, has brought to my notice, order passed by this Court (Coram : Hon'ble Smt. Justice Anuja Prabhudesai) in Bail Application No. 743 of 2019 dated 3rd March, 2020. Vide this order, bail was declined to Shrihari Pandhari Satpute and Laxman Gokul Satpute (co-accused).

3. Mr. Patil, learned Counsel for the applicant submits that, investigation is over and trial may not commence and conclude in reasonable time. However, this Court, by imposing suitable conditions, can secure applicants' presence for trial. He seeks bail on this ground.

4. I have perused the final report. Investigation reveals, homicidal death of two persons; Krushna Patil and Manik Satpute was caused by members of unlawful assembly with deadly weapons in prosecution of common object. Three persons, had witnessed the incident; one is the complainant and another independent witness, Rekha; her statement was recorded on the next date of the incident. The narration of both these witnesses is compatible, attributing role to the

members of unlawful assembly, of which the applicant was one of the members.

5. Prosecution case is, that deceased alongwith one, Sudam Chavan while traveling on motorcycle; one pick-up van dashed the motorcycle. Resultantly, the riders fell down. Whereupon eleven persons armed with weapons alighted from the pick-up van and mercilessly assaulted Krushna Patil and Manik Satpute. Both died on the spot; whereas Sudam Chavan was admitted in the hospital. In consideration of the facts of the case, that offence is punishable with death or life imprisonment and since the evidence clearly discloses complicity of the applicant in the present crime, the application is rejected.

6. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of rejecting bail only and the same shall not, in any way, influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)