

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1362 OF 2015

Shekhar Gore

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.P.M. Patil for the Applicant

Ms.R.V. Newton, APP, for Respondent – State

Mr.P.N. Ingale, PSI, Dahwadi police station, Satara - present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 27, 2015**

P.C.:

1. The application is moved for bail as the applicant/accused is facing charges under sections 307, 395, 397, 452, 427 of the Indian Penal Code in C.R. No.41 of 2015 registered with Dahiwadi police station, Satara. The complaint was fled by one Shekhar Motilal Gandhi on 20.3.2015 alleging that on 19.3.2015 at around 4pm, when the complainant was sitting in his shop, the applicant/accused alongwith his associates arrived there in one one Range Rover and Scorpio cars and started assaulting him. They were all armed with baseball wooden sticks and assaulted him on his head and hand. They robbed him of his gold finger ring and cash of Rs.90,655/- and also ransacked his shop. Hence, the complaint.

2. The learned Counsel for the applicant/accused submitted that the applicant is a victim of the political rivalry between him and his brother

Jaykumar Gore. The learned Counsel submitted that in the morning of 19th March, there was an election of the Gram Panchayat of the village Andhali. However, the elections were cancelled due to some technical grounds and thereafter the two rival groups of Jaykumar Gore and Shekhar Gore started shouting, agitating and then police tried to pacify them. They were uncontrollable. Thereafter, as per the case of the prosecution, the group of Shekhar Gore and his associates went and assaulted the complainant and ransacked his shop. He submitted that this is an offshoot and manipulated case of the previous incident of the election. The first incident was reported to the police. He further submitted that the other associates of the applicant/accused, who were made accused in C.R. No.41 of 2015, are enlarged on bail. He submitted that the injuries sustained by the complainant were not serious to be invoked under section 307 of the Indian Penal Code. He prays that he be bailed out.

3. Learned Prosecutor while opposing the application, relied on injury certificate of Shekhar Gore. She also relied on the statements of the other witnesses. She submitted that the applicant/accused is a politically influential person and he has nine cases pending against him. She further relied on the evidence of CCTV footage where the applicant/accused is visible as assaulting the complainant.

4. Perused the FIR and the documents produced by the prosecution. It appears that the investigation is mostly complete. The police have collected the offence of CCTV footage and also recorded statements of the other witnesses. The injury certificate of Shekhar Gore shows there was nearly four injuries and there was no fracture. The applicant is in the prison since 23.6.2015. In view of this, I am inclined to grant bail on the following conditions:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.40,000/-, with one or two solvent sureties in the like amount;
- ii) The applicant shall not contact the complainant or harass or pressurise the complainant or any witnesses, in any manner either directly or indirectly;
- iii) The applicant shall not indulge into any kind of offence while on bail;
- iv) The applicant shall stay out of the jurisdiction of the village Dahiwadi and Satara City for a period of 4 months from today, except when he is required to attend the Court dates and immediately thereafter, shall get out out of the Satara city;

- iv) The applicant shall communicate all the details as to his place of residence, contact numbers, etc. to the Investigating Officer.
 - v) The applicant shall attend on all the Court dates.
 - vi) In the event of breach of any of the above conditions, the prosecution is at liberty to move application for cancellation of bail.
5. Bail application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)