

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.214 OF 2015

Santosh @ Shashikant Madhukar Pawar
...Applicant

vs.

State of Maharashtra ...Respondent

Mr. M.K. Kocharekar, Advocate for the
Applicants.

Mrs. A.A. Mane, APP for the State.

CORAM : P.D. KODE, J.

DATE : FEBRUARY 03, 2015

P.C.

. Heard.

2. The payer for bail made by accused No.1 in charge sheet submitted by Shrinagar police station, Thane for the offences punishable under Sections 307, 143, 144, 147, 148 and 149 read with 34 of Indian Penal Code and Section 25(1)(c) of Arms Act and Section 135 of Bombay Police Act is objected by the learned APP on the ground that the motive for the said crime was a rivalry in cable business, the

involvement of the applicant and role played by him being squarely spelt from material collected during the investigation, i.e. statements of about 4-5 eye witnesses. It is submitted that the applicant has taken the help of four associates for committing the offence. It is submitted that as a result of the incident the brother of the first informant has sustained in all three serious injuries inclusive of amputation of index finger, fracture tibia fibula and sutured wound on skull.

3. The learned counsel for the applicant has pressed the prayer for bail on the count that offence is not exclusively punishable with death or imprisonment for life, injured is out of danger and the investigation is complete.

4. The perusal of the charge sheet *prima facie* supports submissions advanced by both sides regarding nature of the material available against the applicant.

5. Having regard to the fact that the offences for which the applicant is charge sheeted are not exclusively punishable with death or imprisonment for life and there are no antecedents, the prayer for bail will deserves consideration. However, considering the reason for which the incident had taken place and the manner in which helpless victim was assaulted on a public place and the applicant being a main assailant, certain strict conditions deserves to be imposed to avoid occurrence of such incidents in future.

6. Resultantly, the application is allowed. The applicant is directed to be released on bail upon furnishing P.R. Bond in sum of Rs. 1,00,000/- (One lac) with one or more sureties to make up like amount and subject to the conditions of the applicant after his release shall (a) not enter the area of Bombay, Thane and Raigad districts without permission of the trial Court save except for attending the dates fixed for case against him but

even on the said dates he shall not enter the area of Shrinagar police station, Thane for whatsoever purpose, (b) not indulge in any activity of tampering the prosecution evidence and/or not indulging in any activity of coercing, threatening and pressuring the prosecution witnesses, (c) inform the place of abode to the investigating officer and shall attend the local police station on every alternate Monday until further orders and (d) not misuse the protection granted by this order for fleeing away or for any other oblique purpose.

7. The bail granted to the applicant shall stand automatically cancelled in event of breach of any of the said conditions.

Application stands disposed of.

(P.D. KODE, J.)