

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.297 OF 2015

Datta Arjun Chavan

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.S.B. Chandan for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

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

DATE: **APRIL 13, 2015**

P.C.:

1. This application is moved for bail as the applicant/accused is facing charges under section 302, 307, 143, 145, 147, 148, 149, 427 and 120B of the Indian Penal Code and also under sections 3(25), 27, 4(25) of the Arms Act and under section 37(1)(3) of the Mumbai Police Act.

2. It is the case of the prosecution that the applicants/accused and the co-accused and the complainant and his associates were having continuous conflict as they are residents of the same locality i.e., Gorpadi, District Pune. There is competition between them to remain superior to each other in muscle power. On 13.11.2013, the applicant and the co-accused attacked the complainant and his group when they were near one Samrat hotel. The applicant/accused and the other three were holding

sickle. They broke the glass of one Scorpio vehicle. The co-accused Roha and Janglya were holding pistol. They fired towards some of the persons and they chased the complainant and his associates. They caught Kunal Pol and Rohan and Janglya fired at him and he died.

3. The learned Counsel for the applicant/accused has submitted that he was not having pistol. Kunal died due to injuries of the firm arm. Even if it is admitted that the applicant/accused was holding sickle, the allegation against him is that only he broke the glass of the Scorpio vehicle. In view of this, he is to be granted bail.

4. Learned Prosecutor submitted that the role played by the applicant/accused is not to be considered in isolation. The applicant/accused and others are facing charges under section 149, 147 and 144. The applicants/accused and the co-accused were together prior to the incident. The applicant/accused as per the case of the prosecution kept a watch and facilitated the offence. He submitted that the incident is of November, 2013. The trial will commence early and if at all the accused are released, there is a possibility of tampering with the evidence. Hence, the application be rejected.

5. Perused the FIR. The incident is of 2013. However, considering the allegations made against the applicant/accused, at this stage, I am not

inclined to grant him bail. Accordingly, the bail application is rejected. However, liberty is granted to him to move another bail application afresh, if the trial does not get concluded before 30.11.2015.

(MRS.MRIDULA BHATKAR, J.)