

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 333 OF 2015**

Sagar Pradip Shahu	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Amit Munde for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

API Mr. Anil Sonavane from Bhandup Police Station is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 24TH MARCH, 2015

P.C. :

1. Leave to amend. Amendment to be carried out forthwith.
2. Heard learned Counsel for the applicant and the learned A.P.P.
3. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 15 of 2014 registered with the Bhandup Police Station, Mumbai, for the alleged offences punishable under Sections 307, 143, 147, 148, 149, 323, 506(ii) and 504 of the Indian Penal Code and under certain provisions of the Bombay Police Act and under Sections 4 and 25 of the Arms Act.

4. The incident in question has taken place on 20th January, 2014. The first informant is stated to be an eye-witness and a friend of the victim. According to the complainant-Jitendra Pandit, some incident had occurred on 19th January, 2014, resulting in a trivial fight between the complainant's friend Jonty and one Ranjit Gadwali. On 20th January, 2014, at around 3:15 p.m., the complainant had gone with his Uncle Pravin Kharat to Laxmi Dairy for a snack. It is alleged by the complainant, that when they were having a snack, he heard people shouting “*Bhago bhago Ranjitbhai aa gaya*” (*Run, run, Ranjitbhai has come*). On hearing the screams, the complainant and his Uncle came out of the hotel and saw Ranjit Gadwali and his associates Sanju Gadwali, Vijay Pawar, Mayur, Sagar Kannadi and 7 to 8 unknown persons. The said persons are alleged to have come there armed with swords and iron rods. It is alleged that Jonty was running ahead and that the accused were chasing him. It is alleged that Vijay Pawar assaulted Jonty with a sword in his chest and Ranjit Gadwali and his nephew also assaulted Jonty with swords on his head and that the rest of the accused assaulted with fists and kick blows.

5. Learned Counsel for the applicant contended that the co-accused Mayur has been released on bail and claims parity. However, *prima facie*, it appears that there is no parity between the co-accused Mayur, who has been released on bail and the present applicant, inasmuch as, the victim has not stated the name of Mayur as being the assailant. The learned Counsel for the applicant further submitted that the applicant is aged 19 years old and that he is already in custody for more than one year. He further submitted that the injury certificate of the victim shows that the victim sustained two injuries, which is a deep CLW over occipital parietal and deep stab incised 5 tab wound over right chest. He submitted that other than these two injuries, no other injury is caused to the victim. He further submitted that the victim has, in his subsequent statement, which is recorded after one month, stated that the applicant assaulted him with an iron rod. He submits that there is no recovery as against the applicant nor are there any antecedents. Learned Counsel for the applicant further submits that any condition may be imposed and that the applicant will not seek modification of the said conditions imposed. Learned A.P.P opposed the bail application.

6. Perused the charge-sheet. There is no recovery at the instance of the applicant and he has no antecedents. No doubt, *prima facie*, from the statement of both, the complainant as well as the victim, it is evident that the applicant was present, however, considering that the applicant is a young boy aged 19 years and has been in custody for more than one year; and considering the fact that the applicant is not alleged to have assaulted the injured with a sword, the applicant deserves to be enlarged on bail on the following terms and conditions:

ORDER

- (i) The applicant Sagar Pradip Shahu be released on bail in connection with C.R. No. 15 of 2014 registered with the Bhandup Police Station, Mumbai, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper or attempt to contact any witness concerned with the case;
- (iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the

Court seized of the matter and to the Investigating Officer of the Bhandup Police Station, Mumbai;

(iv) The applicant to cooperate with the conduct of the trial;

(v) The applicant shall attend the Bhandup Police Station, Mumbai, once a fortnight on the first and third Saturday of every month between 10:00 a.m. and 11:00 a.m. till the conclusion of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.