

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 476 OF 2015**

Ranjit Gyansingh Gusai @ Mama

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Anjali Patil 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. Heard learned Counsel for the applicant and the learned A.P.P.
2. 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.

3. The incident in question has taken place on 20th January, 2014. The first informant is an eye-witness and a friend of the victim. According to the first informant-Jitendra Pandit, an incident has occurred on 19th January, 2014, when there was a trivial fight between the complainant's friend Jonty and one Ranjit Gadwali. It is alleged that on 20th January, 2014, when the complainant was going along with his Uncle Pravin Kharat and when they had reached Laxmi Dairy. They suddenly 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 assaulted Jonty with a sword on his head and that the rest of the co-accused with fists and kick blows.

4. The learned Counsel for the applicant states that there is a discrepancy in the statement of the complainant and the victim with regard

to the role played by the applicant. She submits that there is no recovery at the instance of the applicant. According to the learned Counsel for the applicant, initially, the victim has stated that the applicant along with his nephew had come armed with an iron rod and assaulted with fists and kick blows and subsequently, in the supplementary statement, the victim has stated that the applicant had assaulted with a gupti.

5. Learned A.P.P vehemently opposed the bail application. She submitted that the applicant's name and role has been disclosed by both, the complainant as well as by the victim. She submitted that the applicant has suppressed the memorandum panchnama, which shows that there was recovery of gupti, iron rod and sword at this instance. She submitted that considering the overt act assigned to the applicant and the recovery at his instance of the aforesaid weapons, the applicant's application be rejected.

6. Perused the charge-sheet. It is extremely unfortunate, that the relevant page which pertains to recovery of the weapons, has not been annexed to the application. The page with respect to the recovery of sword, iron rod and gupti is missing and only the page with respect to recovery of

clothes has been annexed. The learned Counsel for the applicant states that the charge-sheet which she has annexed to the application was forwarded by the applicant's relatives to her.

7. Be that as it may, the fact remains that an incriminating material has been suppressed by the applicant, in order to secure the bail and to show that there was no recovery at his instance. The material on record clearly shows, that the complainant and the victim have both disclosed the name of the applicant and have specifically attributed an overt act to him. Apart from that, there is recovery of weapons at his instance. Considering the material on record, it is not a fit case to enlarge the applicant on bail. In view of the aforesaid, the application is rejected.

REVATI MOHITE DERE, J.