

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2441 OF 2015

Sagar Shamrao Gaikwad & Ors.	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Surel Shah, Adv. for the applicant.

Mr. Arfan Sait, APP for the State.

Mr. G.R. Ballal, API, Pandharpur PS present.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 4th January, 2016.

P.C. :

1. This is an application for bail filed by the aforesaid applicant who is arrested in Crime No.222 of 2015 registered with Pandharpur City Police Station for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 & 506 of IPC.

2. The allegations against the accused are that on 13th November, 2015 he along with other co-accused had formed an unlawful assembly armed with deadly weapon and in prosecution of the common object they assaulted the complainant Shahu Ramakant Sarvagaud and others and attempted to cause them death. It is further alleged that the accused had also threatened to set Laxmi Gautam Sarvagaud.

3. Mr. Shah, the learned counsel for the applicant submits that FIR does not disclose that the applicant herein was involved in inflicting injury on the complainant or any other witnesses. He has further submitted that there is rivalry between the applicant and complainant. One of the accused Sagar had already lodged a complaint against the complainant herein for sale of illicit liquor. He has further submitted that on the same date the complainant (herein) and the others had assaulted Sagar and his family members.

4. Mrs. Shinde, the learned APP for State submitted that the material on record prima facie reveals that the applicant herein was a member of an unlawful assembly which was armed with deadly weapons. She has submitted that the applicant and other co-accused had inflicted grievous injuries on the complainant and others. She claims that there is prima facie material to show the involvement of the applicant and other co-accused in commission of crime which is of serious nature. Hence the applicants are not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsels for respective parties. The material on record prima facie reveals that Sagar was armed with a sword and

applicant Kabir was armed with sticks and that they had inflicted injuries on the complainant and others. The records thus prima facie reveal the involvement of these applicants in committing the alleged crime. The investigation is still at preliminary stage and the release of the applicant at this stage can hamper the investigation. Hence applicants Sagar and Kabir are not entitled for bail.

6. The FIR does not indicate that Pankaj was armed with any weapon or that he had inflicted any injuries on the complainant or others. Considering this fact the applicant Pankaj is entitled for bail.

7. Hence the application is dismissed qua Kabir and Sagar and allowed qua Pankaj on the following terms and conditions.

- (i) The applicant Pankaj shall be released on bail on furnishing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount to the satisfaction of the JMFC, Pandharpur.
- (ii) The applicant shall not tamper with the evidence or influence complainant and witnesses in any

manner.

- (ii) The Applicant shall not leave Solapur District till filing of the chargesheet without prior permission of the JMFC, Pandharpur.

(ANUJA PRABHUDESSAI, J.)