IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2442 OF 2015

Shamrao Sadashiv Gaikwad … Applicant
Vs.
The State of Maharashtra … Respondent

Mr. Surel Shah, Adv. for the applicant.
Mrs. Veera Shinde, 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 weapons and had inflicted injuries on Shahu Sarvagaud and Sachin Sarvagaud and thereby attempted to commit the murder. The applicant and other co-accused are also alleged to have threatened to set Laxmi Gautam Sarvagaud on fire.

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 the 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 and that he along with others had attempted to cause death Shahu Sarvagaud by inflicting grievous injuries. She has further submitted 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 applicant is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsels for respective parties. The records prima facie reveal that one Shahu Saravagaud had lodged a FIR dated

13th November, 2015 alleging that the applicant and others had formed an unlawful assembly armed with deadly weapons and assaulted him and others by means of sword and sickle and thereby caused grievous injuries. The FIR does not prima facie indicate that the applicant herein was armed with any weapon. The FIR also does not prima facie indicate that the applicant had inflicted injuries either on the complainant or any other witnesses. In view of these facts and circumstances the applicant is entitled for bail. Hence the application is allowed on the following terms and conditions.

(i) The applicant 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.)