

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2443 OF 2015

Shahu Ramakant Sarvgod & Ors.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Vishwanath S. Talkute, Adv. for the applicant.
Mr. Arfan Sait, APP for the State.

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

P.C. :

1. This is an application for bail filed by the aforesaid applicants who are arrested in Crime No.221 of 2015 registered with Pandharpur City Police Station for the offences punishable under Sections 307, 452, 143, 147, 148, 323, 504 & 506 read with 149 of IPC.

2. The allegations against the applicant in brief are that on 13th November, 2015 the applicants who were the member formed an unlawful assembly armed with deadly weapon caused injuries to Sagar and Pankaj Gaikwad and attempted to cause his death. Mr. Talkute, the learned counsel for the applicant submitted that there is no prima facie material on record to show that the applicants are

involved in committing crime under Section 307 of IPC. He has further submitted that the applicants are in custody since November, 2015 and that their presence is no longer required for the purpose of interrogation.

3. Mr. Sait, the learned APP for the State has submitted that the applicants were involved in inflicting injuries on Sagar and Pankaj. The medical certificate reveals that Pankaj had sustained grievous injuries. The offences are of serious nature and as such the applicants are not entitled for bail.

4. I have perused the records and considered the submissions advanced by the learned counsels for respective parties. The records prima facie reveal that complainant Sagar had lodged the FIR on 13th November, 2015 alleging that on the same day at about 4 pm the applicants along with other co-accused had formed an unlawful assembly and that they were armed with sticks and other deadly weapons. The complainant had alleged that applicant and others were armed with sticks and that they had inflicted injuries on Sagar and Pankaj. The medical certificate shows that the injuries sustained by Sagar are of simple nature whereas Pankaj had sustained injuries

on left index finger. The material on record therefore does not prima facie reveal that the applicants had inflicted injuries on the vital part of the body by means of any deadly weapon. Considering these facts, in my considered view the applicants are entitled for bail.

5. Hence the application is allowed on the following terms and conditions.

- (i) The applicants 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 applicants shall not tamper with the evidence or influence complainant and witnesses in any manner.
- (ii) The applicants shall not leave the Solapur District till filing of the chargesheet without prior permission of the JMFC, Pandharpur.

(ANUJA PRABHUDESSAI, J.)