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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.75 OF 2016

Akshay Vilas Gaikwad	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Kuldeep U. Nikam, for the Applicant.
Ms. R.M.Gadhvi, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 2nd AUGUST, 2016.

P.C. :

1. The applicant/accused, in crime No.91 of 2015, registered with Sanjay Nagar Police Station, District: Sangli, for the offence punishable under Section 363, 387, 397 of the Indian penal Code, by this application, is praying for his release on bail.
2. Heard the learned counsel for the applicant. He argued that even if the entire F.I.R. is minutely perused, then also the role attributed to the present applicant is that of assault by means of fist and kick blows. The learned counsel argued that the applicant is only stated to be present on the spot. The learned counsel by drawing my attention to the statement of Mohasin Mulani, has argued that Mohasin has not named the present

applicant as assailant. The learned counsel further argued that statement of Mayur Rupnar does not reflect the name of the present applicant. Therefore, in the submission of learned counsel for the applicant, the applicant is entitled for bail.

3. The learned APP opposed the application.

4. Perused the F.I.R. The crime in question came to be registered on the basis of report lodged by Bharat @ Ankush Fonde. It is the prosecution case that Bharat Fonde, Siddhu Malhari Dudhal, Goraknath @ Manya Nana Mane are friends and they earn their livelihood by petty businesses as well as labour work at Sangli. According to prosecution case, Mahmmmed Nadaf @ Mhamdya is noted criminal, having a gang comprising of the present applicant as well as co-accused such as Sagar Shendage, Arif and Akshay Gaikwad, Mangesh etc. The prosecution has alleged that Mahmmmed Nadaf was demanding an amount of Rs.2 lacs to Goraknath Mane, a friend of informant Bharat Fonde. The chargesheet reveals that Mahmmmed Nadaf and his associates including the present applicant were indulged in criminal activity of extorting amount from the residents of the locality.

5. According to prosecution case, informant Bharat Fonde was used as a bait for calling his friend Goraknath Mane for extorting an amount of Rs. 2 lacs from him on 13.9.2015. On that day, he was

abducted by co-accused and was taken a place known as, "Chougule Mala". According to prosecution case, co-accused including the present applicant assaulted informant Bharat Fonde, for the purpose of compelling him to call his friend Goraknath @ Manya Mane on the spot. However, attempt of calling Gorknath Mane by making phone call to him failed. Thereafter the present applicant and co-accused again assaulted informant Bharat and threatened him to call Siddhu Dudhal. Ultimately co-accused Arif brought Siddhu Dudhal, at that place. All accused persons have started assaulting Siddhu Dudhal. Thereafter Siddhu Dudhal was compelled to get Goraknath @ Manya Mane on the spot. However, attempt by Siddhu to call to Goraknath failed as call to Goraknath could not get connected. Thereafter accused persons including the present applicant robbed the informant as well as his friend Siddhu by an amount of Rs.6,200/-. Their friend Mohasin came on the spot. He has also stated about the assault by accused persons.

6. Thereafter according to prosecution case, accused Mahamed Nadaf telephonically demanded an amount of Rs.2 lacs from the Informant and Goraknath. Mahmmmed Nadaf also spoke with Goraknath telephonically.

7. The statement of Mohasin Mulani is not naming present applicant, but he has averred that Sagar Shendage, was accompanied by

co-accused. Statement of Mohasin is indicative in nature. There are statements of witnesses which are corroborating the version of the informant.

8. The subsequent development in this matter is material. Ultimately Mahmmmed Nadaf and his associates murdered Goraknath @ Manya Mane and accordingly crime No.116 of 2015 is registered against them. It is not in dispute that the present applicant is one of the accused in that crime.

9. Considering the nature of crime and the result it had yielded in subsequent development, the applicant is not entitled for bail. The application is, therefore, rejected.

[A. M. BADAR, J.]