

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.345 OF 2016

Ajay Thakur & Ors. ... Applicants
Vs.
The State of Maharashtra ... Respondent

ALONGWITH

CRIMINAL APPLICATION NO.172 OF 2016

Rahul Narayan Kadu ... Intervener

In the matter between

Ajay Thakur & Ors. ... Applicants
Vs.
The State of Maharashtra ... Respondent

ALONGWITH

BAIL APPLICATION NO.346 OF 2016

Sanjay Balkrushna Mhatre ... Applicant
Vs.
The State of Maharashtra ... Respondent

ALONGWITH

CRIMINAL APPLICATION NO.173 OF 2016

Rahul Narayan Kadu ... Intervener

In the matter between

Sanjay Balkrushna Mhatre ... Applicant
Vs.
The State of Maharashtra ... Respondent

ALONGWITH

BAIL APPLICATION NO.347 OF 2016

Kiran Narayan Patil ... Applicant
Vs.
The State of Maharashtra ... Respondent

ALONGWITH

CRIMINAL APPLICATION NO.174 OF 2016

Rahul Narayan Kadu ... Intervener

In the matter between

Kiran Narayan Patil ... Applicant
Vs.

The State of Maharashtra

...

Respondent

Mr. Ashok Mundargi, Sr. Adv., i/b. Shradha Sawant, Adv. in Applicant in BA No.345 of 2015, Tanveer Khan, Adv. for the applicant in BA No.347 of 2015 and Abhishek Yende, Adv. for the applicant in BA No.346 of 2015.

Mr. D.P Adsule, APP for the State.

Mr. Nitin Sejpai, Adv. for the intervener in all three applications.

CORAM : SMT ANUJA PRABHUDESSAI, J.

DATE : 29th February, 2016.

P.C. :

1. These bail applications are filed by the aforesaid applicants who have been arrested in Crime No.12 of 2016 registered with Uran Police Station, Navi Mumbai for offences punishable under Sections 143, 147, 148, 149, 3074, 323, 326, 504 & 506 of the IPC and under Section 25 and 3 of the Arms Act. Said crime was registered pursuant to the FIR lodged by Rahul Kadu.

2. The applicants Ajay and Mangesh were arrested on 16th January, 2016, the applicant Sanjay was arrested on 1st February, 2016 and Kiran Patil was arrested on 2nd February, 2016 and all the aforesaid applicants are presently in judicial custody. The applicants had filed an applications for bail and the same has been dismissed by order dated 12th February, 2016 passed by the Addl. Sessions Judge,

Raigad-Alibag. Hence the present applications.

3. The allegations against the applicants in brief are that on 13th January, 2016, the applicants and the other co-accused formed an unlawful assembly armed with deadly weapons and inflicted injuries on the first informant Rahul Kadu, Narayan Kadu and Sagar Kadu. It is further alleged that the applicant Ajay had attempted to commit murder of the first informant and his father by firing with a revolver.

4. Mr. Mundargi, the learned senior counsel for the applicants has submitted that on the relevant date, there was an altercation between one Kranti, an employee of the post office at JNPT, Uran and the first informant Rahul and his father. Pursuant to the said incident the senior clerk of the Uran post office had lodged FIR against first informant, pursuant to which FIR under Section 353, 354 of IPC has been registered against the first informant and his father. The learned senior counsel has submitted that said Kranti was admitted in Municipal Hospital at Uran and that when the applicants had been to the hospital, the first informant and others had assaulted them. It is stated that both groups have lodged FIR and cross FIR against each other. Mr. Mundargi, the learned senior counsel for the

applicants submitted that the injuries allegedly sustained by the first informant and others are of simple nature. He has further submitted that there is no prima facie material to show that the applicant Ajay had fired a revolver and or that he had attempted to cause death of the first informant and his father. Mr. Mundargi, the learned counsel for the applicants has submitted that, the FIR does not name the applicants Sagar and Kiran Patil and that there is no material on record to show their complicity in the crime.

5. Mr. Adsule, the learned APP for the State as well as Mr. Sejpal, the learned counsel for the intervener have submitted that there is prima facie material to show the involvement of the applicants. The FIR prima facie indicates that the applicant Ajay had tried to commit murder of the first informant and his father. There are also allegations in the FIR to show that Mangesh, had inflicted the injuries on them by iron sickle. They have further submitted that the applicants have been threatening the first informant complainant and other witnesses. Considering the nature of the allegations the applicants are not entitled for bail.

6. I have perused the records and considered the submissions

advanced by the learned counsel for the applicants, the learned APP for the State as well as the learned counsel for the intervener. The records prima facie indicate that one Kranti, the niece of the applicant is employed at Uran Post Office, JNPT. On 13th January, 2016, there was an altercation between the first informant as well as said Kranti and other employees of the post office, which led to filing of the FIR by one Reshmi Mhatre, Sub Post Master of JNPT Post Office. Pursuant to the said FIR, Crime No.2 of 2016 for offences punishable under Sections 353 & 354 has been registered against the first informant and his family members.

7. The records prima facie reveal that said Kranti was admitted in Municipal Hospital at Uran. The records reveal that both groups had visited the hospital and that there was a quarrel between both these groups. As a result, both parties have sustained injuries and have lodged FIR and cross FIR against each other.

8. The FIR lodged by Rahul Kadu indicates that the applicant Ajay had snatched a revolver from the hands of his uncle Daulat and fired towards the first informant and others. It is to be noted that the scene of offence panchnama does not prima facie indicate that the

empties were found at the scene of offence. The revolver is already handed over to the investigating officer and the same is forwarded to ballistic expert and the report is still awaited.

9. A perusal of the medical certificates reveal that the first informant as well as the other injured persons namely Narayan and Sagar had sustained CLW and abrasions which are stated to be simple in nature, caused by hard and blunt object. The above facts and circumstances, in my considered view, would not justify further detention. The applicants are the permanent residents of Uran, Raigad and there is no possibility of the applicants absconding and thwarting the course of justice.

10. Hence the applications are allowed on the following terms and conditions.

(i) The applicants shall be released in Crime No.12 of 2016 registered with Uran Police Station, Navi Mumbai on furnishing bail bond of Rs.25,000/- (Rupees Twenty five Thousand only) each with one or two sureties in the like amount to the satisfaction of the Addl. Sessions Judge,

Raigad-Alibag.

(ii) The applicants shall not interfere with the complainant or the witnesses in any manner.

(iii) The applicants shall not leave Raigad District without prior permission of the Addl. Sessions Judge, Raigad-Alibag.

11. The intervention applications stand disposed of.

(ANUJA PRABHUDESSAI, J.)