

*Ladda*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1974 OF 2015

Sandeep Magan Pandit and Anr Vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Prakash Naik i/by Mohammed U. Kazi for the applicants.

Smt. M.H. Mhatre, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 25th January, 2016

P.C.

1) The applicants are seeking bail in CR No.1-49/2014, registered with Kasara Police Station dated 10.9.2014 for the offences punishable under sections 302, 325, 324, 141, 142, 143, 144, 146, 147, 148, 504 of the IPC.

2) The FIR is lodged by Shri Mahesh Namdev Gilande. It is the prosecution case, in brief, that due to the earlier altercations and/or fight between the group of the complainant and the group of accused persons, the complainant along with his aunt, namely, Smt. Sulochana and other persons went to Ambedkar Nagar at about 6:00 p.m. on 9.9.2014 to enquire with the applicants and other accused persons about earlier quarrel. When the aunt of the complainant, namely, Smt. Sulochana was

trying to explain the applicants and other co-accused persons about the quarrel, the applicants and other accused persons started beating the complainant and his associates by fist blows. At that time, co-accused Vasant was holding an iron rod in his hand and gave a blow with it on the head of deceased Sajjan Shengte. It is the prosecution case that the applicant no.2 Pappu @ Pravin Chikne (accused no.7) and the accused No.6 Akash Jagtap gave blows with wooden logs on the hand of Kailash Karande due to which his hand got fractured. The cousin brother of the complainant namely Vikas was assaulted on his head by Piyush Jagtap (accused No.2). Piyush Jagtap also assaulted on the head of the uncle of the complainant, namely, Sadhu Jakhere. Due to the assault Sachin Rongte got unconscious and was admitted to hospital. After taking medical treatment, the complainant lodged the FIR.

3) Heard the learned counsel for the applicants and the learned APP for the State and also perused the copy of the charge-sheet.

4) As far as applicant no.1 Sandeep is concerned, the FIR and statements of other witnesses attribute a role of general nature only and without any specific act to him, stating that he caught hold somebody and thereafter co-accused Vasant Ubale (accused no.1) said that he may be killed. Apart from a general statement, there is no other specific role attributed to the applicant no.1 Sandeep Pandit. As far as applicant no.2 Pappu Chikne (accused no. 7) is concerned, the role attributed to him is

that he had assaulted with the aid of wooden log on the hand of Kailash Marade and has caused fracture to it. It is to be noted here that co-accused namely Akshay Jagtap (accused No.6) has been released on bail by this Court by an order dated 23.7.2015. It is to be noted here that while releasing the said Akshay Jagtap on bail, this Court has specifically observed and made it clear that the co-accused including Vasant Ubale (accused no.1) shall not claim parity with the said applicants i.e. the accused Piyush Jagtap and Akshay Jagtap in BA No. 953/2015. I have, therefore, considered the present application on its own merits.

5) Perusal of the injury certificate of Kailash Marade shows that he had sustained simple injuries on left ulna and head injury on his parietal region. The applicants are arrested on 16.9.2014. The investigation is completed and the charge-sheet has already been filed.

6) The record further discloses that at about the same time, Smt. Janabai Jagan Jagtap, belonging to the group of the accused persons, has also filed a report with the same police station against the complainant and his associates for the offences punishable under sections 395, 141, 142, 143, 144, 146, 147, 148, 504, 506, 452, 457 of the IPC and on the basis of the same, crime No. 50/2014 has been registered.

7) It prima facie appears that in the present case, there could be a case of free fight in which Vasant Ubale has taken advantage of the situation and assaulted the victim Sachin Rongte with the aid of iron rod. It appears

that the applicants have not taken any undue advantage and their role has been specified in the foregoing paragraphs.

8) After taking into consideration of the role attributed to the applicants, I am of the opinion that the applicants have made out a case of grant of bail.

9) Hence, the following order :

ORDER:-

- (a) The applicants shall be released on bail in CR No. I-49/2014, registered with Kasara Police Station on their furnishing PR. bond of Rs.25,000/- each with one or two separate solvent sureties in the like amount;
- (b) The applicants shall not reside in the jurisdiction of Kasara Police Station till conclusion of the trial;
- (c) The applicants shall not tamper with the evidence and/or influence the witnesses;
- (d) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)