

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2002 OF 2015

Sagar Anil Gunjan

..Applicant

v/s.

The State of Maharashtra.

..Respondents

Mr. Siddharth Mehta a/w. Ms. Aarti Bhonsle i/b. Sangramsingh Bhonsle for the Applicant

Mr. Y.M.Nakhawa, APP for the Respondent-State.

Mr. Shashikant G. Shinde, PI Sahakar Nagar Police Stn.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.  
DATED : FEBRUARY 24, 2016.**

**P.C.**

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No. 261 of 2014 pending on the file of the Sessions Court at Pune. The said case arises from Crime No. 230 of 2013 registered with Sahakar Nagar Police Station for offences under Section 143, 144, 147, 148, 149, 307, 341, 506(ii), 120 AND Section 3, 4(25) of the Arms Act and 37(1)(3) r/w. 135 of the Bombay Police Act.

2. The case of the prosecution in brief is that on 3.12.2013 the applicant herein was a member of an unlawful assembly which was armed with deadly weapons. It is alleged that the applicant and other co-accused had inflicted injuries on Rajendra Deshmukh and thereby attempted to cause his death. The said crime was registered pursuant to the FIR lodged by Kaustubh Deshmukh, son of the victim. The applicant was arrested on 8.12.2013. Crime was investigated and upon completion of investigation chargesheet was filed. The case being Sessions triable, was committed to the Court of Sessions, Pune.

3. The application for bail filed by the applicant was dismissed by the Sessions Court vide order dated 14.8.2015. Hence the present application.

4. Mr. Mehta, the learned Counsel for the applicant has submitted that there is no prima facie material on record to show the involvement of the applicant in commission of the said crime. He has further submitted that the other co-accused namely Jagdish

Shivkar and Kiran Kamble who have been attributed with same role have already been granted bail on 6.10.2015. He submits that the applicant is also entitled for bail on the ground of parity.

5. The learned APP concedes that no identification parade was held and that the identity of the applicant was not established. He further submits that there was no recovery at the instance of the present applicant.

6. I have perused the record and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State.

7. The records prima facie reveal that one Rajendra Deshmukh was assaulted on 3.12.2013. The medical records indicate that he had sustained several grievous injuries. The FIR and the statement of the witnesses do not prima facie disclose the name of the applicant. Though the FIR and the statement indicates that some unknown persons were present, the Investigating Agency has not

made any attempt to hold the identification parade. Though the applicant was arrested on 8.12.2013, no recovery was effected at the instance of the applicant. There is no incriminating material to link the applicant with the said crime. Considering the nature of the allegations leveled against the applicant, the applicant is entitled for bail. Furthermore, the co-accused namely Jagdish Shivkar and Kiran Kamble, who stand on the same footing have been granted bail by this Court. The applicant is therefore entitled for bail on the ground of parity.

8. Considering the above facts and circumstances, the application is allowed on the following terms and conditions.

- i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- (Rupees Twenty five Thousand Only) each with one or two sureties in the like amount;
- ii) The applicant shall attend the Sahakar Nagar Police Station, Pune on the 1<sup>st</sup> Saturday of every month between 10.00 a.m. to 12.00 noon till the conclusion of the trial;
- iii) The applicant shall not tamper or attempt to influence the

complainant, witnesses or any person concerned with the case;

iv) The applicants shall inform his latest place of residence and number immediately after being released and/or change of residence or mobile details, if any, from time to time to the court seized of the matter and to the Investigating Officer of the concerned police station;

v) The applicants to co-operate with the conduct of the trial;

vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

9. It is made clear that the observations made herein are prima facie, and the trial court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in the order.

**(ANUJA PRABHUDESSAI, J.)**