

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

CRIMINAL BAIL APPLICATION NO. 316 OF 2017

Shashikant @ Santosh Madhukar Pawar. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

WITH

**CRIMINAL APPLICATION NO. 184 OF 2017
IN
CRIMINAL BAIL APPLICATION NO. 316 OF 2017**

Mrs. Sangeeta Manik Patil. ... Intervenor.

IN THE MATTER BETWEEN

Shashikant @ Santosh Madhukar Pawar. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. M.K. Kocharekar, advocate for Applicant.

Mr. Manoj Gholap, advocate for intervenor.

Mr. R.M. Pethe, APP for State.

Mr. Karkar, Sr. PI, Srinagar Police Station.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : MARCH 20, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 13/6/2016 in Crime No. 126 of 2016 registered at Srinagar Police Station for offence punishable under section 307, 109, 143, 147, 148, 149, 323, 324, 427, 506 of the Indian Penal Code.

3 It is the case of the prosecution that one Mrs. Sangeeta Manik Patil had dispute with her husband. She was living separately. That she has filed a suit for partition and separate possession against her husband. She has also filed proceedings under the Protection of Women from Domestic Violence Act against her husband.

4 It is the case of the prosecution that the present applicant has been hired by her husband i.e. Mr. Manik Patil to eliminate his wife i.e. the first informant Sangeeta Patil.

5 It is the case of the prosecution that the applicant has criminal antecedents and that he is facing prosecution for offence punishable under section 307, 144, 147, 148, 149 of the Indian Penal Code and section 3&(3), 135 of the Mumbai Police Act in Crime No. 169 of 2014 registered at Srinagar Police station. Crime No. 299 of 2015 is also registered for the same offence and also Crime No. 126 of 2016 i.e. the present case.

6 It is the case of the prosecution that on 9/6/2016 Mrs. Sangeeta Patil was alongwith her co-workers in her office, the present applicant had entered into the office alongwith his associates and had mounted assault upon Sangeeta with sword. Besides Sangeeta, her co-workers were also assaulted by the gang headed by the present applicant.

7 Perused the injury certificate. It appears that Sangeeta Patil had sustained contused lacerated wound on her temporo parietal region and contused lacerated wound. Ravindra Waghmare sustained incised wound on left shoulder and abrasion on nape of neck. Preeti Khaire had sustained blunt injury on back. Sunil Bansode had sustained incised wounds.

8 The learned Counsel for the applicant submits that the applicant had no personal animosity with the first informant Sangeeta Manik Patil and that he has been in custody for more than 8 months and therefore, he deserves to be enlarged on bail.

9 As against this, the learned APP upon instructions and on the basis of the records has submitted that the applicant does not deserve to be granted bail as he has committed similar offence. While on bail in other offence, he has committed present offence. He is a hired killer. That he has many followers who have created terror in Srinagar area

and the witnesses do not dare to depose against him and therefore, he is not entitled to be granted bail. Taking into consideration, the role of the present applicant, the fact that he is working as an hired killer, it would neither be prudent nor appropriate to grant bail.

10 Hence the application being sans merits stands rejected and disposed of accordingly.

11 However, the learned Sessions Court shall not be influenced by the said observations at the time of trial.

12 The intervention application is heard, allowed and disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)