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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1311 OF 2017

Sandip V. Chonde	...Applicant
V/s.	
The State of Maharashtra	...Respondent

Mr.Aniket V. Nikam i/b Mr.Aashish Satpute for the Applicant.

Ms.S.S. Kaushik, APP for the Respondent.

Mr.Koyate, API, Vimantal Police Station, Pune present.

CORAM : T.V. NALAWADE, J.
DATE : 29TH AUGUST, 2017.

P.C. :-

1. The application is filed for bail in C.R. No.285 of 2016 registered with Vimantal Police Station, Pune for the offences punishable under sections 302, 307, 143, 147, 148, 149, 323, 504 of IPC with section 4(25) of the Arms Act and sections 37(1), (3) and 135 of the Maharashtra Police Act. Heard both the sides. The papers of investigation are made available for perusal of this Court.

2. The crime is registered on the basis of the report given by Afan Makrani. The disputes started due to some petty quarrel between Kunal Rajendra and one Omkar Zurange. They are college

students. Due to disclosure of Kunal, Rajendra his brother Rohit and other friends like Datta Pathare, Sagar Misal took part in the dispute. The first incident took place on 28th November, 2016 and the incident in question took place on 30th November, 2016.

3. On the day of incident, Datta Pathare and other accused first contacted Afan Makrani and made enquiry that then they went to place where Afan Makrani was present with his friends. The persons like Karan Dhawale, deceased and the brother of Afan Makrani and also Ajay gathered there. Datta Pathare had given threat that he was coming to teach them a lesson. Datta Pathare went there in four wheeler with 4-5 associates. The allegations are made that Datta Pathare and his associates assaulted the first informant and the aforesaid friends of the first informant, who had gathered there. The statements of the injured like Navin Makrani and Shinde show that it is Datta Pathare who took out knife from the pocket of his clothes and he assaulted the deceased Karan Dhawale, Nabir Makrani and Ajay by using the weapon. As against the other accused, associates of Datta Pathare, there are allegations that they took part in the incident by assaulting with fist and kick blows.

4. The applicant has been behind the bars since 1st December, 2016. Learned counsel for the applicant submitted that the other accused like Rushikesh Landge, Rohit Todmal and

Sandesh Daphal are granted bail by the Sessions Court and case of the applicant cannot be treated on different footing. It is submitted by APP that the provisions of section 149 of IPC can be used. This Court holds that it is not desirable to keep the present applicant behind the bars till the disposal of the proceeding in view of part attributed to him in the incident. In the result the application is allowed.

5. The applicant is to be released on his furnishing P.B. and S.B. of Rs.30,000/- with one or more solvent sureties in the like amount. The applicant is not to tamper with prosecution witnesses. The applicant is not to commit similar offences. The applicant is not to visit the residential place of the witnesses and not to contact them till the disposal of the case.

(T.V. NALAWADE, J.)