

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

BAIL APPLICATION NO.951 OF 2018

Munna @ Mahesh Mahadev
Chandanshive

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Satyavrat Joshi with Mr. S.R. Deshpande for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent -State.

Mr. M.R. Ghuge, PSI, Pimpri Police Station, Pimpri-Chinchwad, Pune dismissed.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 20th AUGUST, 2018.

P.C.:-

This is an application for bail filed by the aforesaid Applicant, who is facing trial in Sessions Case No.344 of 2017 pending on the file of the Sessions Court, Pune, for the offences punishable under Sections 307, 504, 506, 436, 143, 147, 148, 149 of the IPC, under Sections 3(25), 39 and 4(25) of the Arms Act and under Section 37(1) r/w. 135 of Bombay Police Act and U/s.3 and 7 of Criminal Law Amendment Act.

2. Heard Mr. Satyavrat Joshi, the learned counsel for the Applicant and Mr. S.R. Agarkar, the learned APP for the Respondent

-State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. Mr. Afzal Israr Khan, brother of the injured has lodged the FIR stating that on 25th December, 2016 at about 10.35 p.m. the injured Mr. Irshad Khan was running a footwear shop by name “Ideal Footwear shop” at Pimpri. On 26th December, 2016 brother of said Irshad lodged the FIR alleging that on 25th December, 2016 at about 12.25 p.m. the Applicant herein went to the said footwear shop alongwith three others. He took one footwear from the shop and returned to his car. The first informant Afzal as well as his brother told him to pay the price of the said slippers and /or to return the said slippers. At which time, the Applicant told him that he is the Don of the area and that he would not pay the money. He also abused and threatened to kill them. The Applicant thereafter removed a Koyta from the car and inflicted an injury on the head of Irshad. He also brandished the weapon and threatened others, who had gathered at the spot of the incident. It is alleged that no one came to the help of Irshad because of the threats given by the Applicant. It is further alleged that the Applicant had threatened to set fire to the shop in case they asked for money. After the Applicant had left the place, the

people working in the nearby area took the Informant to the hospital. In the meantime the first informant received information that the same boys, who had come to the place of the incident and who had assaulted Irshad had set the shop on fire. The first informant thereafter phoned the police control room. The police with the help of fire fighters extinguished the fire. The first informant Afzal Khan lodged the report against the Applicant and others for attempting to cause murder of his brother Irshad and also for setting fire to his footwear shop and causing loss to the extent of Rs.16,60,000/-. Pursuant to the FIR, Crime No.731 of 2016 was registered against the Applicant and other accused for the aforestated offences.

4. The statement of the injured prima facie reveals that the Applicant had come to his footwear shop alongwith some boys and that he had taken footwear and when the injured asked him to pay for the same or else to return the footwear, the Applicant threatened him that he was Don of the area and thereafter they inflicted injury with Koyta on his head. The medical certificate also prima facie indicates that the injured Irshad had sustained injury on left parital region. The medical evidence also indicates that said injury was caused with a sharp object. The material on record therefore, prima facie reveals that the Applicant

was involved in inflicting head injury on Irshad.

5. The spot panchanama also prima facie reveals that the footwear shop of the first informant was set on fire. The statement of Mr. Usman Israr Khan and Salman Israr Khan also prima facie reveals that the Applicant and others were responsible for setting the shop on fire.

6. It is seen that the trial is yet to be commenced. The material on record prima facie reveals that the Applicant is not only involved in committing a serious crime but he was also involved in terrorising the persons, who had gathered at the spot. The material witnesses are yet to be examined. Releasing the Applicant at this stage can hamper the trial.

7. Considering the above facts and circumstances, the Applicant is not entitled for bail. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)