

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

BAIL APPLICATION NO. 2945 OF 2017

Prakash Govind Pawar

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Prashant Pandey for the Applicant.

Ms. A.A. Palkar, APP for the Respondent/State.

Mr. Ashish Shukla for the intervener.

CORAM : A.S.GADKARI, J.

DATE : 12th FEBRUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 155 of 2017 dated 09.04.2017 registered with Dahisar Police Station, Mumbai under Sections 364(A), 397, 385, 323, 504, 506, read with Section 34 of the Indian Penal Code and under Sections 3 and 25 of the Indian Arms Act read with Section 37(1) (A) of the Maharashtra Police Act.

2 The first information report is lodged by Shri. Ratikrishna R. Patnayak.

It is the prosecution case that the Applicant and first informant were having acquaintance for a petty long period. That, there were certain financial transaction inter-se between them. It is alleged that the Applicant used to demand money from the first informant and for non payment of same, used to

harass him. It is further stated that on 09.04.2017 at about 2.00 p.m. co-accused Shrikant Jadhav gave a call to the first informant and called him at a place with a view to take discussion pertaining to opening of a new Bar and Restaurant in partnership by the Applicant and first informant. It is alleged that, at about 3.30 p.m., the Applicant along with other accused persons came at the scene of offence and abducted the first informant and took him at an isolated place and thereafter, the Applicant assaulted the informant with the butt of a country made fire arm on his head and other accused persons assaulted him with a sticks and robbed valuables of the first informant and thereafter, ran from the scene of offence. During the course of investigation, the Applicant came to be arrested on 01.09.2017 and after completion of investigation, the police have submitted charge-sheet.

3 The record indicates that all other co-accused have been released on bail either by this Court or by the Trial Court. The perusal of record would clearly indicate that the Applicant herein was having monetary transactions with the first informant for sufficiently long period and it further appears that when their relations were soured, the present crime has been subsequently registered.

The medical record indicates that there is a CLW suffered by the first informant due to the alleged assault at the hands of the Applicant. As noted earlier, it appears that the present crime is registered after the business relations between the Applicant and the first informant got soured.

4 The learned Counsel for the first informant alleged that the Applicant is history sheeter and there are various crimes registered against him. The record indicates that the first informant herein is also a co-accused in two crimes registered against the Applicant. Prima facie, it appears that the present crime registered against the Applicant is an exaggerated version of the first informant lodged due to the aforesaid reasons. The possibility of suffering injury on the backside of the head cannot be ruled out due to a fall. As noted earlier all the co-accused persons in the present crime have been released on bail.

5 In view thereof, the Applicant can be released on bail.

Hence, the following order:

i) The applicant be released on bail in C.R. No. 155 of 2017 dated 09.04.2017 registered with Dahisar Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m.

iii) The applicant shall also attend all the dates before the Trial Court.

iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)