

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

BAIL APPLICATION NO. 1416 OF 2019

Sachin Ramakant Sawant	Applicant
V/s.	
The State of Maharashtra	Respondent

Mr. D. Brijesh i/b. Mr. Prashant P. Patil for the applicant in BA/1416/2019.

Mr. Harshand Nimbalkar, Sr. Advocate a/w. Mr. Satyam H. Nimbalkar, Hrishi Ghorpade, Shivam Nimbalkar, Hrishikesh Kamble, Abhishek Patil, Rohan Hogale – APP for the State.

Ms. Ashwini Takalkar, APP for the State.

Mr. Ashok Tanaji Virkar, DYSP, Sangli city present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 22nd AUGUST, 2019**

P.C.:-

1. This is the second bail application filed by the aforesaid applicant who was arrested by Sangli Police Station on 08/09/2017 in Crime No.248/2017 which was registered at Vishrambag Police Station pursuant to the first information report lodged by one Mahindra Vasant Bhokre for offences punishable under Sections 120-B, 143, 147, 149, 302, 323, 324, 341, 427, 504, 506 of the Indian Penal Code, under Section 4, 25 of the Arms Act and under Section 37(1)(3), 135 of the Maharashtra Police Act,

2. The first information report prima facie indicates that there was

some animosity between the first informant and the present applicant. The first informant has stated that one Nihal used to drop his minor daughter to school. On 22/09/2017, at about 12:30 p.m., Shakil Makandar came to the residence of the applicant and told him that some boys were accosting his driver Nihal. They went to the police station to lodge a report. Since they did not know the names of the boys who used to threaten said Nihal, he along with Shakil Makandar and his two friends – Akshay Shinde and Abhijit Bhokare left the police station to verify their names. When they reached near Maratha Seva Sangh, the co-accused-Sidhu Kamble, Saurabh Shitole and two others stopped them and assaulted them by kicks and blows. It is alleged that some time later, the applicant along with his other associate came to the place of the incident. They were armed with iron rods, sticks and other sharp weapons (*jambiya*). They damaged their motor cycle and the applicant and his other associates assaulted Shakil with iron rods, sticks and other sharp weapons, kicks and blows. He has stated that the applicant herein was instigating the other assailants and was telling him that he i.e., the first informant should also be eliminated. The first informant later learnt that his friend Shakil Makandar had expired and hence, he lodged the first information report pursuant to which the said crime came to be registered.

3. The post mortem report indicates that said Shakil Makandar had sustained multiple injuries on vital parts of the body. The Doctor has opined that the death of said Shakil Makandar was “ *due to head injury with multiple injuries over the body.*” The post mortem report prima facie corroborates the version given in the FIR.

4. The statements of Prashant Surgade and Suresh Sutar *prima facie* indicate that on 14/09/2017, they had heard the applicant herein telling the other co-accused that they should raise some dispute with the first informant and his friend Shakil Makandar and thereafter eliminate them. The statements of Akshay Shinde and Abhijit Bhokare also prima facie indicate that after they were stopped by the co-accused Saurabh Shitole and others, the applicant – Sachin and the other co-accused had come to the place of the incident armed with iron rods, sticks and other sharp weapons. The statements of these two witnesses prima facie indicate that the applicant was armed with an iron rod. The applicant had not only inflicted blow iron rod on Shakil Makandar but he was also heard instigating others to cause his death. The material on record prima facie indicates that the applicant had conspired to cause death of Shakil Makandar and the first informant.

5. The learned APP has also submitted that the applicant is a gang leader and is involved in another crime for offence under Section 307 of the Indian Penal Code. Considering the antecedents of the applicant, and also the nature and gravity of the offence, in my considered view, this is not a fit case for grant of bail. Hence, the Bail Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)