

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2351 OF 2019

Shankar Jagannath Sarvade, Age 34 years,
Occ.Business, R/o.Ekvirai Galli, Barshi,
Dist.Solapur (presently lodged in Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Satyam H. Nimbalkar for applicant.

Smt.Geeta P. Mulekar, APP, for State.

Mr.Shrihari Ramu Ghodake, B.No.PN/2182, Barshi City Police
Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 10th December 2019

PC :

1. The applicant is seeking bail in CR No.353 of 2019 registered with Barshi City Police Station for offences under Sections 332, 353, 397 of Indian Penal Code and under Section 48(7) of Maharashtra Land Revenue Code. The applicant was arrested on 25th April 2019.

2. The prosecution case is that on receipt of information the first informant proceeded towards the place of incident on 25th April 2019. He was accompanied by other officers and staff. When they reached at the western side of Mallikarjun Temple, they noticed a Bolero jeep. They also found Bharat Benz Hywa vehicle filled with sand. On inspection it was observed that the vehicle was filled up with six brass of sand worth Rs.42,000/-. Panchanama was recorded. The applicant came to the said place subsequently. He threatened the complainant and others. He was asked to produce

royalty receipt. He could not produce the same. The accused instigated other persons to run away from the place of incident. They also threatened the complainant of dire consequences. The accused tried to run over the informant. He had sustained one simple injury. The applicant managed to run away from the place of incident. He was subsequently arrested. It is also alleged that Hywa truck was transferred in the name of accused no.2 who was found at the scene of offence. One of the co-accused managed to run away from the site after unloading the sand. The applicant had filed application for bail before the Sessions Court, which was rejected on 20th July 2019.

3. Learned counsel for applicant submitted that the applicant has been falsely implicated in this case. There is no recovery at his instance. The allegation that applicant tried to run over the informant is concocted. No injury is caused to the informant. The vehicle does not belong to the applicant and it has been transferred in the name of co-accused two years back.

4. Learned APP, however, submitted that the incident is of serious nature. Specific allegations are made in the FIR against the applicant. Three other cases are pending against the applicant with Barshi City Police Station vide CR Nos.121 of 2001, 173 of 2011 and 5 of 2012.

5. There is no recovery from the applicant. There is nothing on record to show that the vehicle belongs to the applicant. The injured had sustained blunt trauma on chest and right leg and back which is simple in nature. The co-accused who had run away from the place

of incident with vehicle, has been granted bail. Investigation is complete and charge sheet is filed. On certain terms and conditions, bail can be granted to the applicant. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2351 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.353 of 2019 registered with Barshi City Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall stay out of jurisdiction of Barshi City Police Station till conclusion of trial, except for attending the Trial Court proceedings on the dates fixed for hearing;
- (iv) The applicant shall provide details of his residential address where he would reside after being released on bail, to the Investigating Officer;
- (v) The applicant shall not tamper with evidence and shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST