

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

BAIL APPLICATION NO.727 OF 2019

Sourabh Shitole

....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.:-

. This is an application filed u/s. 439 of Cr.P.C. by the aforesaid applicant, who was arrested by Sangli Police Station on 22/09/2017 in Crime No.248/2017, registered at Vishrambag Police Station, Sangli 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. Mr. D. Brijesh, the learned counsel for the applicant states that

the applicant is a young boy of 20 years of age and that he was studying in 12th standard. The learned counsel for the applicant states that the material on record does not indicate that the applicant was armed with weapon. The only allegations against the applicant are that he had assaulted the first informant – Mahendra Bhokre, Akshay Shinde and Abhijit Bhokare by kicks and blows. The learned counsel for the applicant states that the applicant has no antecedents and considering the nature of accusations levelled as well as his age, he be released on bail.

3. I have perused the records and considered the submissions advanced by the learned counsels for the applicant and the learned APP for the State.

4. The records prima facie indicates that the first informant – Mahendra Bhokare had lodged the first information report alleging that on 22/09/2017, he along with his friends Abhijit Bhokare, Akshay Shinde and Shakil Makandar had left the police station to ascertain the names of persons who had accosted and abused his driver Nihal. The first information report states that when they reached near Maratha Seva Sangh, the applicant and other co-accused stopped their motor cycle. He has alleged that the co-accused Sidhu Kamble assaulted him

with iron rod and that the applicant, Imran and Rahul Patil assaulted Abhijit, Akshay and Shakil by kicks and blows. He states that thereafter, the other co-accused Sachin came to the place of the incident along with other associates. They were armed with iron rods, sticks and other sharp weapons and they assaulted Shakil Makandar by means of the said weapons.

5. The first information report as well as the statement of the Akshay Shinde and Abhijit Bhokare prima facie indicates that the applicant was involved in assaulting Abhijit, Akshay and Shakil Makandar by kicks and blows. There is no prima facie material to indicate that he was armed with weapon or that he was involved in inflicting any injury on Shakil Makandar by means of any weapon.

6. The learned APP has also conceded that the applicant has no antecedents. Considering this fact as well as the nature of the accusations levelled and the age of the applicant, in my considered view, he is entitled for bail. Under the circumstances, the Bail Application is allowed on following terms and conditions :-

(a) The applicant-Sourabh Shitole who is arrested in C.R.No.248/2017 registered with Vishram Baug Police Station, District

Sangli is ordered to be released on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh only) with one or two solvent sureties in the like amount.

(b) The applicant shall report to the Vishram Baug Police Station, Sangli on 1st Monday of every month between 10:00 a.m. to 11:00 a.m.

(c) The applicant shall not enter Ganesh Nagar area, Dist. Sangli until further orders.

(d) The applicant shall not interfere with the first informant and/or other witnesses in any manner and/or tamper with the evidence in any manner.

(e) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.

(f) The applicant shall not change his residential address without prior intimation to the Investigation Officer and to the concerned Court.

**Preeti H.
Jayani**

Digitally signed by
Preeti H. Jayani
Date: 2019.08.23
19:03:15 +0530

(SMT. ANUJA PRABHUDESSAI, J.)