

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.992 OF 2018

IN

CRIMINAL APPEAL NO.285 OF 2017

Rajan Dashrath Chavan ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Mr.Aditya R. Mokashi i/b. Mr.R.B.Mokashi, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 4th JANUARY 2019.

P.C. :

1 This is an application of the appellant/accused No.2 for releasing the applicant/accused No.2 on bail during pendency of the appeal filed by him. He along with other co-accused is convicted of the offences punishable under Sections 397, 506(II) and 341 read with Section 34 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for seven years apart from fine of Rs.2,000/- and in default to suffer simple imprisonment for one month for the offence punishable under Section 397 read with Section 34 of the Indian Penal Code. Separate sentences are imposed for other proved offences and all

substantive sentences are directed to run concurrency by the learned trial Court.

2 Heard the learned Advocate appearing for the applicant/accused. He submitted that co-accused namely accused No.1 Pravin Pagare, accused No.4 Sonusingh Rajput and accused No.5 Avinash Mahale are already released on bail. The learned Counsel for the applicant/accused further strenuously argued that even the offence punishable under Section 397 read with Section 34 of the Indian Penal Code is not proved and, therefore, the applicant/accused is entitled to be released on bail.

3 The learned Additional Public Prosecutor opposed the application.

4 I have perused copies of depositions of prosecution witnesses. P.W.No.1 Bhagwan Sonar is the victim of the crime in question. He was having one sided love affair with a lady and for concealing that fact from others, the applicant/accused along with co-accused were extracting money from him. At the time of incident in question, the applicant/accused along with other co-accused were demanding Rs.10,000/- from the victim i.e. P.W.No.1 Bhagwan Sonar. His evidence categorically shows that by accosting him, the present applicant/accused had splashed patrol on his person, whereas co-accused Yogesh Navade tried to

set him on fire. It is further seen from the evidence of the victim that the present applicant/accused had threatened the victim with knife as well as the broken bottle. He was even chased by the present applicant. Fortunately for the victim, police arrived on the spot and rescued the victim. Even evidence of official witness goes to show that the victim was smelling patrol.

5 In this view of the matter, no case for bail is made out. Role attributed to the applicant/accused is totally different from those, who are already released on bail. Therefore, the Order :

ORDER

- (i) The application is rejected.
- (ii) However, hearing of the appeal is expedited.

(A.M.BADAR J.)