

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

BAIL APPLICATION NO.2162 OF 2019

Pappu Chandrakant Jha
@ Pappu Bihari (Correct Name:
Mithlesh Kumar Chandrakant) ... Applicant

Vs

The State of Maharashtra ... Respondents

...

Mr. Manohar Shantaram Mandavkar for the Applicant.
Mr. Y.M.Nakhwa , APP for the Respondent-State.
PSI Ravikant Sawant attached to Kandivali Police
Station present.

CORAM : SANDEEP K. SHINDE J.
DATE : 20th NOVEMBER, 2019

P.C. :

*Heard the learned counsel for the applicant and
the learned APP for the State.*

2 *Applicant is seeking his enlargement on bail in
Crime No.578 of 2018 registered with Kandivali Police
Station for the offences punishable under Sections 307,
395, 427, 141,143, 144, 147 read with Section 34 of the
Indian Penal Code, 1860 ('**IPC**' for short) and under*

Sections 4 and 25 of the Indian Arms Act.

3 It appears that two rival groups are claiming right over the parking slot. On this count, there were disputes and differences between two groups. Complainant Sharib Inamdar was assaulted by group of 15 persons at the instance of one Manoj Yadav. It is alleged that on 8th November, 2018 at 1.05 hours, applicant and his companions were assaulted by deadly weapons by Manoj Yadav, present applicant and others. In the course of assault, assailant damaged 16 rickshaws, 5 tempos, 7 trucks and 6 cars. It appears from the complaint that Manoj Yadav was armed with sword and the present applicant was armed with stick. Complainant and his companions sustained injuries.

4 The learned counsel for the applicant submits that investigation in the crime is over and the charge-sheet has been filed. He submits that only one injury was sustained by the complainant, which is simple in nature. He

has relied upon medico-legal certificate and injury report. He submits that the applicant was allegedly carrying stick, however, no corresponding injury has been noticed by the medical officer, who had examined the complainant. He submits that the applicant is permanent resident of Mumbai and his presence for the trial can be secured by imposing conditions. He also submits that trial is not likely to commence within reasonable time. On these grounds, he seeks bail.

5 The learned APP has filed an affidavit of one Ravindra Adane attached to Kandivali Police Station. He has brought to my notice criminal antecedents of the applicant. Three crimes are registered against the applicant excluding the present one. It is submitted that in Crime No.192 of 2018 registered for the offence punishable under Sections 394, 504, 506II of the IPC, applicant is wanted accused.

6 Application is, therefore, opposed on these grounds.

7 Besides, the criminal antecedents, it may be stated that the applicant and other accused damaged large number of vehicles and caused loss to the public property and the property of the individuals, for no fault on their part. Taking into consideration nature of the accusations and the criminal antecedents and also loss caused to the properties of the innocent citizens, application is rejected.

(SANDEEP K. SHINDE, J.)