

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2634 OF 2018**

Shivaji Sitaram Bhoir

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Solkar Mohd. Amin Haroon for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 18th JUNE 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail
in connection with C.R. No. I-81 of 2017 registered with the Khadakpada
Police Station, Kalyan, Thane, for the alleged offences punishable under
Sections 307, 324, 143, 147, 148, 149 of the Indian Penal Code; under
Sections 4, 27 of the Maharashtra Police Act and under Sections 3(1)(ii),
3(2), 3(4) of the Maharashtra Control of Organized Crimes Act.

3 Perused the papers. The incident took place on 8th March 2017
at about 9:00 p.m. in Village Ambivali. According to the complainant, the

applicant along with other co-accused came to the spot, armed with weapons. It is alleged that the applicant was armed with a sword and the others were armed with sword, sickle and sticks. It is alleged by the complainant-Sandip Patil (injured) that the applicant and others assaulted his cousin Roshan Patil with the weapons and with fist and kick blows. It is alleged that when the complainant went to save Roshan, the applicant assaulted the complainant with a sword on his hand. It is alleged by the prosecution that the applicant assaulted the complainant as well as Roshan. There are eye-witnesses to the said incident of assault. The injury certificate of the complainant-Sandip (injured) shows that he had sustained two incised injuries; one on the left forearm and one at left clavicular region. Similarly, Roshan had sustained six incised injuries on the forehead, occipital region, left knee, forearm, etc. The nature of weapon is stated to be a sharp weapon. Out of 6 of Roshan's injury, 2 are penetrating injuries, 3 simple and 1 superficial.

4 Learned counsel for the applicant submits that there is a cross case lodged by co-accused Akshay Patil as against the complainant and others, which was registered vide C.R. No. 82 of 2017 on 11th March 2017,

after almost 3 days. He submits that the applicant's name has not been mentioned in the said C.R, which will go to show that the applicant was not present when the alleged incident took place on 8th March 2017.

5 Learned A.P.P has filed an affidavit of Anil Tukaram Pawar, Assistant Commissioner of Police, Kalyan Division, District Thane, wherein it is stated that the applicant is a gang leader of the organized crime syndicate and is involved in illegal activities for the purpose of gaining monetary benefit, undue economic benefit by unlawful means. It appears that there is a recovery at the instance of the applicant. From the affidavit, it appears that the applicant is a habitual offender and that there are about 15 cases registered as against him in different police stations, the details of which are stated in para 22 of the affidavit.

6 Considering the material on record, it cannot be said that there are no reasonable grounds to believe that the applicant is not involved in the case, for which, he is charged. Accordingly, the application is rejected. However, the trial is expedited.

7 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.