

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

CRIMINAL APPEAL NO. 73 OF 2020

Sandip Suresh Pujari

.. Appellant

Vs.

The State of Maharashtra & Anr.

.. Respondents

Ms. Tanvi G. Tapkire for the Appellant.

Mr. Satyavrat Joshi i/b Sunil S. Kamble for Respondent No.2 .

Dr. F. R. Shaikh, APP for the Respondent No.1 -State.

CORAM : B. P. DHARMADHIKARI, A.C.J. &
N.R. BORKAR, J.

DATE : 27th FEBRUARY, 2020.

P. C. :

1. Heard with consent of the parties.
2. Perused order dated 13.12.2019 rejecting Bail Application moved by present Appellant.
3. The offence pending trial before Additional Sessions Judge-1, Sangli is under Section 307, 324, 323, 143, 147, 148 read with Section 149 of the IPC and Sections 3(1), (r), (s), (u) and 3(2)(vi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. Contention of learned Counsel for the Appellant is that the incident has taken place on 28.08.2019 and in report immediately lodged, there is no reference to any offence under SC & ST Act. There is also cross report in relation to that incident. On next date, statement

of one of the victim has been recorded and in that report for the first time that witness has disclosed the caste angle. He submits that the investigation is over. Charge-sheet is already filed and there are material contradictions in the matter. Denial of bail in this situation is therefore unjustified.

5. The learned Advocate appearing for Respondent No.2-Informant/victim and learned APP are opposing in this Court. They submit that earlier application moved for bail was turned down on 23.10.2019 and thereafter another application was moved which has been rejected on 13.12.2019. There were three injured victims and a person whose statement was recorded on next day had suffered almost 17 sutured wounds. Our attention is drawn to the type of weapon (knife) which was used by present appellant with submission that he carried that knife to the meeting with particular intention. It is further pointed out that earlier an offence under Section 353 of IPC as also Section 395 of IPC has been registered against that person in the year 2017.

6. The submission is in this situation at the most trial can be expedited and considering the large number of injuries and the fact that even on 23.10.2019 the first injured person, namely, Shri Dabade was in hospital, bail cannot be granted.

7. We have perused papers.

8. It appears that on 28.08.2019 a Gramsabha was being held at 1.00 p.m. Injured person one Satish Dabade and one other Satish Sarvade were present in that meeting. The meeting was attended by 100 to 125 persons. One group insisted that the Sarpancha should preside over the meeting while other group opposed it.

9. As per report lodged by Sharad Naik, because of this dispute a quarrel started and in it these two groups started beat each others. It is mentioned that the present appellant attempted to inflict blow of knife on informant. He avoided it but then it struck on right side portion of stomach. After inflicting that blow the appellant ran away. He has mentioned that Satish Sarvade and Satish Dabade who were with him had also sustained injuries and upon enquiry they told that present appellant had inflicted blows of knife upon them with a view to kill.

10. These persons, therefore, do not speak of any caste or caste-base abuses. It appears that the statement of first injured Satish Dabade has been recorded on next day i.e. on 30.08.2019 and therein he has disclosed the dispute over person who has to preside over Gramsabha. During that dispute altercation took place and Sarpanch Shri Suhas then used some caste-based words. He has then mentioned that present Appellant and others started beating. He has not mentioned any use of caste-base insults or abuses by them. He has stated that the present Appellant inflicted stab wound upon him and he avoided the blow. It struck on left hand side of his stomach.

11. The statement of Satish, therefore, does not explain all injuries suffered by him.

12. Material on record does not show that weapon of assault, namely, knife has been seized from the present Appellant.

13. The investigation is over. Charge-sheet is already filed and trial Court has denied bail because of gravity of the offence. It has not mentioned the provisions of SC & ST Act in its order dated 13.12.2019 as a reason for denial of bail.

14. We have perused Medical Certificate of injured Satish Dabade at page 101 of the paper-book. Satish Dabade has suffered one stab wound which is of the size 3 cm x 2 cm and reported to be grievous one. Other injured Satish Sarvade has also suffered identical injury. Sharad Naik has suffered a CLW over right side abdomen and a blunt trauma on abdomen.

15. The previous crime registered in the year 2017 against the Appellant has not been explained either by the Appellant or by the Respondents. However the Appellant is already granted bail in that matter.

16. Learned Counsel appearing for Respondent No.2 submitted that the Appellant should not be permitted to enter Miraj Taluka during the pendency of trial. Learned Counsel for the Appellant upon instructions fairly gives no objection.

17. In this situation, we are inclined to order his release on bail on following terms and conditions:

(a) The appellant shall execute personal bond in the sum of Rs.20,000/- before the trial court for proper behaviour and for remaining present on due dates before the Court in the present matter with two independent sureties in the like amount.

(b) He shall give address at which he shall always be available during the pendency of the trial along with his contact numbers.

(c) Similar details in relation to his sureties shall also be furnished.

(d) He shall not in any way directly or indirectly attempt to contact or pressurize either complainant or any of the witnesses in the matter.

(e) He shall keep Vakalatnama of his advocate alive and valid till the trial is finally decided by Sessions Court.

(f) He shall report to the Superintendent/Registrar of Sessions Court, Sangli on first working Monday after every month as a condition of his release.

(g) The Appellant shall not during the pendency of trial enter Miraj Taluka and file an undertaking with these lines in trial Court within three weeks from today.

(h) His failure to observe any of the terms and conditions shall entitle the respondent State to take him in custody forthwith.

18. The Appeal is, accordingly, allowed and disposed of.

[N. R. BORKAR, J.]

[ACTING CHIEF JUSTICE]