

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

923 BAIL APPLICATION NO. 1194 OF 2021

**SAGAR SHANTARAM CHAVAN
VERSUS
THE STATE OF MAHARASHTRA**

**WITH
BAIL APPLICATION NO. 1185 OF 2021**

**PAGYA @ ABHITABH MILTRYA PAWAR
VERSUS
THE STATE OF MAHARASHTRA**

Shri. Anil M. Gaikwad, Advocate for the applicants
Shri. S. D. Ghayal, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 22nd OCTOBER, 2021

PER COURT :-

1. Learned counsel for the applicants Shri. Gaikwad is heard for some time. When this Court expressed its disinclination to grant any relief to the applicant in Bail Application No. 1194 of 2021, learned counsel Shri. Gaikwad seeks permission to withdraw the application.

2. Permission is granted.

3. Bail Application No. 1194 of 2021 is disposed of as withdrawn.

4. So far as Bail Application No. 1185 of 2021 is concerned. The allegations against the applicant are that at 8.30 a.m. on 5th April, 2021 the applicant alongwith accused Sagar Kanhu Kale, Tushar Kanhu Kale, Kangya Kanhu Kale, Nandini Sagar Kale, Sagar Shantaram Chavan, Pagya Miltiya Pawar and Amul Arnya Pawar assaulted the informant. This incident took place in front of Gram Panchayat office, Pedgaon. Thereafter the informant and his mother came back.

5. It is further alleged that at 9.30 a.m. accused Sagar Kanhu Kale, Tushar Kanhu Kale, Kangya Kanhu Kale, Nandini Sagar Kale, Sagar Shantaram Chavan came to the house of the informant and assaulted the informant. Accused Nandini Kale inserted two fingers into the eyes of the informant. At that time Kangya Kale had held the informant. At that very moment accused Tushar Kale, Sagar

Kale assaulted him by means of a wooden rod. They poured petrol from plastic bottle on the informant and Sagar Chavan lighted the match stick and set the informant on fire. On these allegations FIR came to be lodged on the basis of which offence under Sections 143, 147, 148, 149, 307, 323, 452, 506 of the Indian Penal Code came to be registered.

6. Shri. Gaikwad, learned counsel for the applicant submits that the FIR does not contain the name of the informant. Therefore, it can be said that the applicant was not present at the spot.

7. Learned APP Shri. Ghayal submits that in the statement of mother of the informant name of the applicant has been mentioned. Therefore, applicant is equally responsible for the offence committed by the other accused.

8. Charge-sheet is filed. Therefore, further detention of the applicant is not necessary. As stated earlier, name of the applicant does not appear in the FIR in respect of the

second incident. In the second incident i.e. of burning, entire role is attributed to Kangya Kanhu Kale, Nandini Kale, Tushar Kale and Sagar Shantaram Chavan. Neither the presence of the applicant is shown in the FIR nor there is any evidence to show that any overt act is attributed to him. Since no overt act is alleged against the applicant, I am inclined to release the applicant on bail. Applicant does not have any criminal antecedents. He has permanent residence at village Takalikadewaliti, Taluka Shrigonda, District Ahmednagar. Therefore, he will be available for trial. He is not likely to commit similar offence again. In this view of the matter, following order is passed.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 210 of 2021 under Sections 143, 147, 148, 149, 307, 323, 452, 506 of the Indian Penal Code registered with Shrigonda Police Station, Dist. Ahmednagar.

3. Application is disposed of.
4. Bail Application No. 1194 of 2021 is disposed of as withdrawn.
5. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp