

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

CRIMINAL BAIL APPLICATION NO. 444 OF 2021

Alankar Abhijeet Mulik	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Prashant Prabhakar Raul for the Applicant

Mr. H. J. Dedhia, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 1st OCTOBER 2021

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.372/2018 registered with the Gokul Shirgaon Police Station, Kolhapur, for the alleged offences punishable under Sections 307, 504, 506 r/w 34 of the Indian Penal Code.

3 Perused the papers. According to the complainant/injured-Sambhaji Mane, two village boys – Alankar Mulik (applicant) and Vinayak

Patil, were known *gundas* of their area and that despite being arrested by police in cases, their activities had not stopped. The complainant has stated that the applicant alongwith other co-accused, would move around in the area with sharp edged weapons and demand money from people. He has stated that the applicant had created terror in the area and that small shop owners would shut their shops on seeing the applicant, as they could not muster the courage to lodge a complaint against the applicant and others. He has stated that on 26th December 2018 at about 9:30 p.m, the applicant went to his cousin-Tanaji Mane's shop and demanded Rs. 1000/- per month towards *hafta* and threatened to kill him, in case, he did not pay the same. Pursuant to the same, the complainant's cousin-Tanaji lodged a complaint with the police, as against the applicant.

4 The complainant has further stated that again on 27th December 2018 at around 4:00 p.m, the applicant came on his motorcycle. He was armed with a *koyta* and was threatening that he will not leave the people, who had lodged a complaint. After threatening, the applicant went towards the Tasgaon road. The complainant has further stated that as they were afraid that the applicant may do something to Tanaji Mane, he alongwith others went behind the applicant to make him understand; that

the applicant was standing with his associates Vinayak Patil and Sunil Kharat; that the applicant who was armed with a *koyta*, asked Tanaji why he lodged a complaint against him and threatened to kill him; that all three i.e. applicant and 2 others attacked them; that the applicant attacked Santosh but he warded off the blow; thereafter, the applicant assaulted Umesh Mane with a *koyta* on his head, however, the blow landed on his hand, when he tried to ward off the blow; that Umesh received injuries on his hand and head; and that when he, Santosh and Tanaji tried to intervene, the co-accused - Vinayak and Sunil abused them and assaulted with fist and kick blows and even threatened them with dire consequences. It is stated that when villagers came, all the accused tried to flee, but they were held and in the process, received some injuries. The injury certificate which is on page 115 shows that Umesh Mane had sustained 2 injuries with a sharp cutting instrument; one on the finger and one injury on the head.

5 The applicant has 4 antecedents. In the facts, the possibility of the applicant threatening the witnesses and intimidating them, cannot be ruled out. Hence, the application is rejected. However, since the applicant is in custody since December 2018, the trial of the applicant is expedited. The learned Sessions Judge to conclude the case as expeditiously as

possible and in any event, within 12 months from the date of receipt of this order.

6 In the event, the trial does not conclude within the said period, liberty is granted to the applicant to file a fresh application.

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.

8 Registry to communicate this order forthwith to the concerned Judge who is seized of Sessions Case No. 246/2019.

REVATI MOHITE DERE, J.