

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

CRIMINAL BAIL APPLICATION NO. 108 OF 2021

Pankaj Harishchandra Mhatre	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL INTERIM APPLICATION NO. 126 OF 2021
(For Intervention)
IN
CRIMINAL BAIL APPLICATION NO. 108 OF 2021***

Sachin Balkrishna Kene	...Intervener/ Ori.Complainant
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IN THE MATTER BETWEEN :

Pankaj Harishchandra Mhatre	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Saurabh Butala for the Applicant

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent–State

Mr. Ganesh Bhujbal a/w Mr. B. D. Shinde for the Intervener

PSI Mr. A. A. More and PC Mr. Koti from Dombivali Police Station, are present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 7th APRIL 2021

P.C. :

1 This is the second bail application preferred by the applicant, seeking his enlargement on bail in connection with C.R. No. 138 of 2017 registered with the Dombivali Police Station, Thane, for the alleged offences punishable under Sections 302, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and under Sections 3, 25, 27 of the Indian Arms Act.

2 Learned counsel for the applicant submits that the only allegation as against the applicant is that he was holding a rifle in his hand and was preventing people from coming close to the place where Vikrant (deceased) was being assaulted. He submits that the applicant is an employee of the main accused-Shriram and as such, had no motive to kill the deceased, much less, assault him.

3 Learned A.P.P opposes the application. He submits that the applicant has one antecedent i.e. C.R registered against him in 2017. Learned counsel for the applicant denies that it is a separate C.R and states that it is part of the very same incident.

4 Perused the papers. The applicant's first bail application, after arguing for some time, was withdrawn by the applicant, as the Court was not inclined to enlarge the applicant on bail. The same is recorded in the order dated 16th October 2019 passed in Criminal Bail Application No. 2307/2019. A perusal of the complaint/FIR lodged by Sachin Kene (brother of deceased-Vikrant) shows that two days prior to the incident i.e. on 28th May 2017, the applicant along with some of the co-accused had abused Vikrant and had threatened him, as Vikrant had objected to cutting of trees. According to the complainant-Sachin, on 30th May 2017 again at 10:30 a.m, there was an altercation between Vikrant and co-accused Shriram on account of parking of JCB machine. In the said incident, co-accused Shriram is alleged to have abused Vikrant and also threatened him with dire consequences. The incident is stated to have taken place on the very same day i.e. on 30th May 2017 at 2:00 p.m. In the said incident, the applicant along with other co-accused are alleged to have encircled Vikrant and thereafter, one of the accused is alleged to have fired at Vikrant. As far as applicant is concerned, he is alleged to have been armed with a weapon i.e. a weapon like rifle and is alleged to have stopped people from entering the circle which was formed to corner Vikrant. There are statements of eye-witnesses who have stated that the

applicant was armed with a fire-arm and was preventing people from entering the circle, where Vikrant was cornered and later fired at. The possibility of the applicant threatening the eye-witnesses cannot be ruled out.

5 Having regard to the aforesaid and the material *qua* the applicant, this is not a fit case to enlarge the applicant on bail. The application is accordingly dismissed. However, the trial of the applicant is expedited. The learned Judge to conclude the case as expeditiously as possible and preferably within 1 year from the date of receipt of this order.

6 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.

7 In view of the above order, intervention application No. 126 of 2021 does not survive. The same is disposed of.

REVATI MOHITE DERE, J.