

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

CRIMINAL BAIL APPLICATION NO. 802 OF 2021

Ganesh Maruti Mangade

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Satyavrat Joshi i/b. Nitesh J. Mohite for Applicant.
Smt. P. P. Shinde, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th MAY, 2021
(Vacation Court)
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 612 of 2018 registered at Bharti Vidyapith police station, Pune, on 09/11/2018, under sections 307, 387, 324, 336, 427, 143, 147, 148 r/w. 149 of the Indian Penal Code (for short 'IPC'), under sections 4 and 25 of the Indian Arms Act and under section 37(1) r/w. 135 of Maharashtra Police Act. The applicant was arrested on 30/11/2018 and since then he

is in custody. The investigation is over and the charge-sheet is already filed.

2. Heard Shri. Satyavrat Joshi, learned counsel for the applicant and Smt. Shinde, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Tushar Chouthave. The F.I.R. describes the prosecution case. On 09/11/2018, at about 6.30p.m. present applicant and other accused namely Darshan Dangi, Sagar Rasal, Umesh Waghchoure, Mayur, Andya and others had pelted stones on one tanker belonging to Khemchand Choudhary. They broke windows of that tanker. The applicant was having a sickle. Others were having bamboos and stones. Shopkeepers in that area had closed their shops. The informant Tushar went to the spot. He asked his brother Nilesh to open their shop. Accused got angry and pelted stones on their shop and on their house which was above the shop. Accused were demanding extortion amount. Accused Umesh started assaulting the informant with bamboo. He held the informant from behind. It is alleged that the applicant tried to give a blow with sickle on the informant. The informant avoided it. The

blow landed on accused Umesh causing injury to him. Others namely Nilesh, Datta and Geeta who tried to intervene; were also assaulted by bamboo and kicks and fist blows.

4. Learned counsel for the applicant relied on the order dated 18/02/2020 whereby co-accused Sagar Rasal was granted bail by this court (Coram: Prakash D. Naik, J.) in Criminal Bail Application No.2436 of 2019. He submitted that, on the ground of parity the applicant deserves to be released on bail. Learned counsel for the applicant submitted that the applicant had one case under section 302 of IPC pending against him which has resulted in acquittal. In another case, he was on bail.

5. Learned APP opposed this application and submitted that the applicant was having a weapon and he was creating nuisance in the area.

6. I have considered these submissions and with the assistance of both learned counsel I have perused the charge-sheet. The charge-sheet contains statements of other victims and eye witnesses namely Nilesh, Khemchand, Eknath, Geeta, Datta etc. All of them have consistently narrated the incident as is narrated in

the F.I.R. The narration in the F.I.R. does not show that the applicant had caused any serious injury to any of the victims. In fact, the informant had warded off the blow and that blow had landed on the person of one of the accused Umesh Waghchoure. The order passed by this court referred to herein above mentions that, Tushar had suffered three injuries in the nature of blunt trauma, Khemchand had sustained trauma on left occipital parietal region and Nilesh had sustained blunt trauma to his left thigh, abrasion on left ankle and blunt trauma on left elbow and thighs. It was observed that victim was out of danger and another co-accused Umesh Waghchaure was granted bail by Additional Sessions Court, Pune. On that basis, co-accused Sagar was granted bail by this court. Considering these observations, the present applicant also deserves the same treatment on the ground of parity. Therefore, I am inclined to grant bail to the present applicant.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 612 of 2018 registered at Bharti Vidyapith police station,

Pune, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)