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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 960 OF 2021

Pramod Sakharam Shelar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Hrishikesh Mundargi i/b Ms. Swarali Joglekar for the Applicant.

Ms. P.P.Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 29th SEPTEMBER, 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. 424 of 2018 registered with the Khadak Police Station, Pune, for the alleged offences punishable under Sections 307, 143, 147, 148, 149, 341, 323, 504, 506 of the Indian Penal Code; under Sections 4(25) of the Arms Act; under Sections 37(1) r/w 135 of the Maharashtra Police Act and under Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

3. Learned Counsel for the applicant seeks bail on the ground of parity as well as on merits. He submits that similarly placed co-accused - Aniket Pandurang Navgire had been released on bail by this Court (Coram : Prakash D. Naik,J) vide order dated 28th July, 2021. He submits that Aniket Navgire who has been released on bail, is alleged to have assaulted injured - Siddhivinayak Hinge with fist and kick blows, whereas, the applicant, is alleged to have assaulted the injured with a bamboo stick on his knee. He submits that the injury certificate reveals that the injured has sustained an abrasion on his knee. He submits that the chargesheet reveals that even, Aniket Navgire had one antecedent alongwith the gang leader.

4. Learned APP opposes the application. She submits that the applicant was armed with a bamboo stick and that he had assaulted the injured on his knee with the said stick; pursuant to which, the injured sustained an abrasion on his knee. The said injury is stated to be a simple injury. She submits that the applicant has one antecedent.

5. Perused the papers. According to the complainant – Siddhivinayak Hinge, the incident took place on 29th November, 2018 at

about 12.25 a.m. The complainant has alleged that Kunal Jadhav (Original accused No.3) and Vipul Ingawale (Original accused No.1) were harassing his sister, when she would attend her tuition classes and that, the said persons had harassed her one week prior to the said incident. The complainant had stated that his sister has informed him about the same, pursuant to which, he had told Kunal Jadhav, Vipul Ingawale and Shrinath Shelar that they should not trouble his sister. He has further stated that on 29th November, 2019, when he was returning home, at about 12.25 a.m., accused Vipul Ingawale, Kunal Jadhav, Shrinath Shelar, Pramod Shelar (applicant), Rahul Bhargude, Akshay Jadhav and Aniket Navgire stopped him; that Vipul abused him and thereafter, all of them assaulted him with fist and kick blows; that Kunal removed a sickle from his waist and assaulted him on his head and Vipul also assaulted him with a sickle on his nose. The applicant and one Shrinath are alleged to have assaulted with bamboo sticks and Akshay and Aniket are alleged to have assaulted with fist and kick blows. After the incident, all the accused are alleged to have fled from the said spot, pursuant to which, an FIR was lodged as against all the accused.

6. As far as the applicant is concerned, the applicant is alleged to have assaulted the complainant with a bamboo stick on his knee. The

Injury Certificate shows that the complainant has sustained an abrasion on the knee. The same is not disputed by the learned APP. This Court, whilst considering grant of bail to co-accused - Aniket Navgire has considered in detail, the application of MCOCA and had thereafter, released the co-accused – Aniket, on bail. The applicant is similarly placed as co-accused – Aniket, who has been released on bail. The applicant is in custody since 23rd November, 2019. The investigation is complete and chargesheet is filed.

7. Considering the aforesaid, the embargo under Section 21(4) of the MCOC Act would not apply and as such, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- with one or more local sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 11:00 a.m. to 01:00 p.m. for a period of six months from the date of his release, and,

thereafter, once in three month on first Saturday of the month between 11.00 a.m. to 01.00 p.m. till further orders;

(iii) The applicant shall inform his latest place of residence and mobile contact number, if any, soon after being released on bail and/or if there is any change of residence or mobile details, time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The applicant shall not enter in the jurisdiction of Khadak Police Station, Pune, except for the purpose of attending the police station;

(viii) The applicant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks of his release;

(ix) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. 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.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.