

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

CRIMINAL BAIL APPLICATION NO.1830 OF 2021

Pritam Rajkumar Jagdale

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Shubhangi Parulekar, for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 5th OCTOBER 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant, aged 19 years seeks his enlargement on bail in connection with C.R. No. 15 of 2020 registered with the Vishrantwadi Police Station, Pune City, for the alleged offences punishable under Sections 302, 323, 504, 506, 143, 147 and 149 of the Indian Penal Code.
3. Learned Counsel for the applicant seeks bail on the ground of parity. She submits that similarly placed co-accused – Sahil Prakash Mane has been enlarged on bail by this Court (Coram : Sarang V. Kotwal, J.) vide

order dated 17th March 2021, passed in Criminal Bail Application No.1428 of 2020. She submits that the applicant is a student studying at the Animation Institute at Pune and that he is in custody since 22nd January 2020.

4. Learned APP opposes the application.

5. Perused the papers including the order dated 17th March 2021, by which co-accused – Sahil was released on bail. The prosecution case is based on the statement of the two witnesses i.e. Sangappa and Rahul. It appears from the said statements that the incident took place at 11:30 p.m. on 21st January 2020 when deceased – Sagar and the said two witnesses were returning home. According to the eye-witnesses, the applicant, Pawan, Sunny and Prajwal were on their two wheeler, when Sagar (deceased) gave them a call. The said witnesses have stated that accused took offence to the said call and when Sagar (deceased) and two witnesses reached Ganpati Chowk, the said 4 persons (including the applicant and their friends) were waiting for them. It is alleged that Abhishek Tambe gave a blow with an iron chain on Sagar's head and the applicant assaulted Sagar (deceased) with a wooden bamboo and Sunny assaulted Sagar (deceased) with a wooden stick. Sahil is alleged to have assaulted Sagar

(deceased) with fists and kick blows. The eye-witnesses have further stated that when they tried to save Sagar (deceased), they were stopped by the accused from helping Sagar (deceased). The eye-witnesses have stated that when Sagar (deceased) started running from the spot, all the accused chased him and again assaulted Sagar (deceased) on his abdomen and back and thereafter left the said spot. The eye-witnesses took Sagar (deceased) to his house and informed Shubham (complainant) of the said incident. Sagar (deceased) was taken to the hospital, however, he was declared dead on arrival. It appears from the statement of the eye-witnesses that the applicant was not armed with any weapon and picked up a wooden bamboo from the spot. The cause of death is stated to be head injury, which is allegedly caused by Abhishek Tambe. This Court whilst enlarged co-accused – Sahil on bail has observed that the statements of the eye-witnesses would reveal that the object was not to commit murder of Sagar (deceased) but to cause grievous injury. The applicant is aged 19 years and is a student. The applicant has no antecedents. Investigation is complete and charge-sheet is filed and hence further detention of the applicant is not warranted. Accordingly, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions:-

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 20,000/- for a period of eight weeks;
- (ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10.00 a.m. to 11.00 a.m. for a period of 12 months from the date of his release;
- (iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

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

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

REVATI MOHITE DERE, J.