

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2230 OF 2021

Abhijeet @ Batryabhai Balasaheb
Gade

..

Applicant

Vs.

The State of Maharashtra

..

Respondent

...

Mr. Satyavrat Joshi for the Applicant.

Mr. A.R. Kapadnis, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 04TH AUGUST, 2021.

P.C:-

1. The Applicant, who is arrested on 31/10/2020 in connection with C.R. No.60 of 2018 registered with the Haveli Police Station, Dist. Pune seeks his release on bail, his bail Application No.97 of 2021 filed in the Sessions Court being rejected.

2. The subject C.R. came to be registered with the Haveli Police Station on 13/03/2018 on the complaint of the Informant

Ashish Sonawane, whose statement came to be recorded while being admitted in the hospital. The Complainant reported about an incident dated 12/03/2018, when he was assaulted by the accused persons and it is alleged by him that it was a mob of 10-12 persons, who attacked the Applicant and they were armed with weapons. An atmosphere of fear was created as there was an attempt on the part of the assailants to damage the shops and vehicles. The Complainant allege that he was assaulted by the Applicant along with 18-20 persons by giving blows in his head by the weapons, which they were carrying. The persons are identified and named in the FIR and the Applicant is one of them, who is alleged to have assaulted the Complainant on his head, left hand, by means of scythe in order to eliminate him. Further, his friends Suraj Gabdule and Abhijeet Gabdule are also alleged to have been assaulted. The injured were taken to the hospital and the C.R. invokes Sections 307, 143, 147, 148, 149, 427, 504, 506 of the Indian Penal Code, Sections 4/25 of the Arms Act and Section 7 of the Damage to Property Act. The Complainant also reports that Kalidas Chowdhary was also assaulted by the assailants. The investigation was completed and the charge-sheet is filed.

3. The Applicant claims parity with co-accused Niranjana @ Bibatya Nandkishor Yadav, who was also named in the FIR as one of the assailants and who has been released on bail on 06/01/2020 by this court in Criminal Bail Application No.1418

of 2019.

4. The injury certificate of the Complainant records a contusion on head. CLW over occipital region, CLW over frontal region and CLW over left hand. Medico-legal certificate of Kalidas Chowdhary refers to six stitches on his forehead.

5. Taking into account the aforesaid injuries and the important circumstances that the statement of Kalidas Chowdhary refers to assault by unknown persons and, there was no Test Identification Parade to identify the assailants, who assaulted him and his statement, where he states that he had learnt that the Complainant was assaulted by the Applicant and other persons, long incarceration of the Applicant and filing of charge-sheet after completion of investigation, the co-applicant Niranjan came to be released on bail. The same para-meters can be made applicable to the present Applicant, who remains incarcerated from 31/10/2020 and whose application came to be rejected on the ground that he was absconding and could be arrested only on 31/10/2020, when the C.R. is registered in March, 2018. In any case, now the Applicant is arrested and his flight risk expressed by the prosecution can be well attended to by imposing stringent conditions on his release on bail. Hence, the following order:

ORDER

- (a) The Applicant – Abhijeet @ Batryabhai Balasaheb Gade, shall be released on bail in C.R. No.60 of 2018 registered with Haveli Police Station, District Pune on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) He shall not enter in the Pune District till the conclusion of the trial.
- (d) The Applicant shall provide his residential address and telephone number to the Investigating Officer and intimate the change, if any.
- (e) The Applicant shall report to the concerned police Station, within whose jurisdiction he proposes to reside on being released on bail and shall mark his attendance on the first Monday of every month. Absence from three consecutive

dates would entitle the prosecution to apply for cancellation of bail.

- (f) The Applicant shall attend to the Trial Court on the dates of hearing regularly when it proceeds, unless exempted by the Trial Court.

6. The Application is allowed in the aforesaid terms.

7. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]