

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1331 OF 2020

Sagar Mohan Chaugule .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Ms. Shubhangi Parulekar for the Applicant.

Mr. S.V. Gavand, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 05TH JANUARY, 2021.

P.C:-

1. The Applicant is charge-sheeted in C.R. No.801 of 2019 registered with Hadapsar Police Station, Pune, where Sections 302, 506(2), 120-B, 143, 144, 147, 148 and 149 of the IPC and Section 4(25) of the Arms Act have been invoked.
2. The Applicant is not named in the FIR which is lodged by one Rajendra Gunjal who has stated in his complaint that he along with his brother Mayur were residing at the given address. It is

alleged that on 20/07/2019 co-accused Sanjusing Kalyani had battered one Ganesh and, therefore, his brother attempted to intervene, resulting into a quibble between the two. Tejabasing Kalyani is alleged to have threatened the informant that he will not spare his brother Mayur. The incident reported is of 13/08/2019 at about 6.30 p.m., when his brother Mayur and his friends were standing in Ganganagar Main Road Chawk and it is then alleged that the accused Tejabasing Kalyani accompanied by Rohitsing Kalyani and Sanjusing Kalyani arrived at the spot and started hurling abuses at his brother Mayur. Swami (deceased) attempted to intervene and the assailant attempted to resist his intervention. It is alleged that Tejabasing Kalyani took out a revolver and fired at Swami, which left him with firearm injury. He succumbed to his injury on 14/08/2019. It is in this background the C.R. came to be registered.

3. The Applicant's name does not find place in the FIR. However, the brother of the informant Mayur, who is injured has given his statement on 20/08/2019 wherein he detailed the incident dated 13/08/2019. He has stated that at around 6.30 p.m., when he was present at the spot in front of Mavli Medical Stores along with his friends, a white colour four wheeler vehicle without number plate arrived at the spot in which Tejabasing Kalyani was sitting next to a man aged 30 years who was driving the car. In the rear side of the vehicle, Sanjusing Kalyani and Rohitsing Kalyani

were alleged to be seated. It is then alleged that the present Applicant along with one Omkar Bhandari arrived at the spot on a Dio Vehicle and Rohitsingh Kalyani and one Omshri Bhandari by riding in a Passion Plus vehicle. It is then stated that Tejabsing Kalyani approached Mayur and verbally abused him and all other persons surrounded him. It is attributed that the present Applicant was holding a *koyta*. The statement of Mayur, however, did not attribute any assault on him at the instance of the present Applicant. Similar lines is the statement of Nikhil who was present along with Mayur when the incident took place. None of the statement attributes any overt act on the part of the Applicant either to the injured Mayur or to the deceased Swami.

4. Taking *prima facie* view of the matter and in view of the fact that on completion of investigation, charge-sheet has been filed and the Applicant has been incarcerated since 15/08/2019, in my considered view, he is entitled to be released on bail by ensuring that he attends the trial when it begins. Hence, the following order:

:ORDER:

- (a) The Applicant – Sagar Mohan Chaugule shall be released on bail in C.R. No.801 of 2019 registered with Hadapsar 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) The Applicants shall mark his attendance before the Sessions Court where the trial is pending once in two months and attend to the trial regularly when it proceeds unless exempted by the Trial Court.
5. The Application is allowed in the aforestated terms.
6. 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.