

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.3286 OF 2021**

**SAGAR SOMNATH SHELAR**

**)...APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA**

**)...RESPONDENT**

Ms.Pooja Agarwal a/w. Mr.Prakash Chavan, Advocate for the Applicant.

Mr.H.J.Dedhia, APP for the Respondent – State.

**CORAM : V. G. BISHT, J.**

**RESERVED ON : 24<sup>th</sup> NOVEMBER 2021  
PRONOUNCED ON : 8<sup>th</sup> DECEMBER 2021**

**P.C. :**

1           The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.2150 of 2020 registered with Police Station Warje Malwadi, for offences punishable under Section 307 read with 34

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of the Indian Penal Code (IPC), Section 4(25) of Arms Act and Section 37(1) read with Section 135 of Maharashtra Police Act.

2           It is the case of prosecution that on 5<sup>th</sup> September 2020, at about 7.30 p.m., while the informant and his friend Rohit Pasalkar and Laxman Shedge were in the parking space of the building and repairing motorcycle bearing Registration No.MH-12-RV-9719, on account of earlier dispute, accused Akshay Kamble (A-4) gave a blow of sickle on the head of Rohit Pasalkar while accused Nilesh Satpute (A-3) assaulted by means of a sickle on the back and left hand of said Rohit Pasalkar. It is further alleged that the applicant gave a blow of knife on the right hand and on the backside of said Rohit Pasalkar, as a result of which said Rohit Pasalkar fell down and thereafter all the abovenamed accused including accused Deepak Mulchand Chaudhari (on bail) assaulted said Rohit Pasalkar by means of fist and kick blows. The informant, accordingly, lodged the report.

3            Ms.Pooja Agarwal, learned counsel for the applicant, submits that there is no recovery at the instance of applicant. Even assuming that the applicant had assaulted, but then the assault was not on the vital part of the body, which is apparent from the contents of the First Information Report (FIR). Having regard to the nature of accusation, the applicant deserves to be enlarged on bail, submitted learned counsel.

4            Mr.Dedhia, learned APP, on the other hand, invited my attention to the Medico Legal Certificate of the injured, namely, Rohit Pasalkar and pointed out the grievous injury suffered by him. There being no merit in the application, the same is liable to be rejected, argued learned APP

5            Perused the investigation papers including the Medico Legal Certificate. As far as role of the present applicant is concerned, he had allegedly assaulted the injured by means of knife on his right hand and back. The Medico Legal Certificate shows that the injured had suffered multiple injuries, contused

lacerated wounds over head with inability to move both hands. It further shows that there were multiple injuries over head, back and suturing was done.

6            Having regard to the material on record, the applicant deserves to be enlarged on bail with certain conditions. Hence, I pass the following order :

**ORDER**

- (i) Applicant – Sagar Somnath Shelar shall be released on bail in Crime No.2150 of 2020 registered with Police Station Warje Malwadi, on his executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in like amount.
- (ii) The applicant shall not tamper with prosecution evidence.
- (iii) The applicant shall attend the Court proceedings regularly.
- (iv) The applicant shall not indulge in similar activities in future.

- (v) Bail before the trial Court.
- (vi) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (vii) The application is allowed in the aforesaid terms and stands disposed off accordingly.

**(V. G. BISHT, J.)**