

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

CRIMINAL BAIL APPLICATION NO.4348 OF 2021

Gaurav Anil Jankar

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Sachin H. Deokar for the Applicant.

Ms.M.R. Tidke, APP for the Respondent–State.

CORAM : C.V. BHADANG, J.

**DATE : 11 JANUARY 2022
(Through Video Conferencing)**

P.C.

. By this application the applicant (Accused no 2) is seeking bail. The applicant alongwith seven others has been chargesheeted for the offence punishable under section 307,323,143,147,148,149.504,427 188 269 270 of IPC section 4/25 of the Arms Act section 51(B) of the Disaster Management Act 2005 and section 2,3 and 4 of the Epidemic Deceases Act.

2. On 10 September 2021 at about 11.30 pm the informant Aman Mubarak Sheikh was standing infront of the MSEB office at Yadav Nagar Kolhapur with his friends Rajesh Pawar and Ajay and they were chitchatting with each other. The applicant alongwith Pratham Jankar (Accused no 1) went racing from infront of them on a motor cycle saying as to why they (the

complainant and his friends) are looking at them. After some time both of them returned with the co accused Ashwin Shelke (A3) Praseep Jankar (A4) Rahul Yadav (A5) Omkar Jankar (A6) Paresh Kasture (A7) and Aniket Salonkhe(A8) and started abusing the informant and his friends. It is alleged that the accused Ashwin Jankar assaulted the informant with a sword on the back side of the head. Pradeep Jankar assaulted on the left side of the chest. When the informant started running towards his house he was assaulted by Pratham Jankar by a *bamboo*. The mother and the maternal aunt of the informant came for the rescue of the informant when his mother sustained an injury to the finger of the left hand. Pratham Jankar hurled a stone on the maternal aunt of the informant when she also sustained injuries. It is also alleged that in the incident the splendor motor cycle of the informant and the Axix motorcycle of the neighbour Yuvraj Valhal was damaged. On the basis of the complaint lodged an offence at crime no 288/2021 was registered with PS Rajaram Puri Kolhapur and after investigation a chargesheet is filed.

3. I have heard the learned counsel for the applicant and the learned APP.

4. It appears that there is a counter FIR lodged by Pratham Jankar stating that when he and Aniket Salunkhe were returning to Kranti Tarun Mandal by the motorcycle they were

assaulted by Aman Sheikh and others. Prima facie it appears that there is no overact or any assault attributed to this applicant. There is no recovery of any articles or weapons except his clothes from the applicant. Atleast prima facie there appears to be no premeditation by the present applicant. The incident appears to have taken place on account of the altercation between the first informant and the accused Pratham Jankar. As noticed earlier there is counter FIR lodged. The applicant is in custody since 11 September 2021.

5. Hence the following order

ORDER

- (i) The Applicant Gurav Anil Jankar be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.
- (ii) The applicant shall undertake to remain present before the learned Sessions Judge during the course of the trial.
- (iii) The Applicant shall not tamper with the prosecution evidence/witnesses.

C.V. BHADANG, J.