

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

CRIMINAL BAIL APPLICATION NO. 2361 OF 2022

Sagar Ashok Bhalshankar

.... Applicant

v/s.

The State of Maharashtra
(Through Dattawadi Pl.Stn.)

.... Respondent

Mr. Nitin V. Gaware for the Applicants.
Mr. A.A.Palkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 1st DECEMBER, 2022.

P. C. :-

1. This is an application under Section 439 of Cr.P.C. filed by the aforesaid applicant, who is facing trial in Sessions Case No.404 of 2021 pending on the file of learned Additional Sessions Judge, Pune, for offences punishable under Sections 302, 307 and 326 r/w. 34 of the Indian Penal Code, under Section 4(25) of Arms Act, under Section 37(1) r/w.135 of Maharashtra Police Act.

2. Heard Mr. Nitin V. Gaware learned counsel for the

Applicants and Mr. A.A. Palkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The case of the prosecution in brief is that on 14/11/2021 at about 11.15 pm while he and his friend Omkar Chandane and Mayur Rahtak were near Taj Jewellers, the accused no.1 Sagar Londhe @ Sontya, and two other unknown persons dragged Rakesh and assaulted him. It is stated that said Rakesh managed to escape from their clutches. The Co-accused thereafter came towards Purshottam (deceased) and threatened him. It is alleged that the accused Nos.1 and 2 assaulted him by sickle and knife. The other two unknown persons pelted stones on his back. The injured was shifted to Sasoon Hospital. His statement came to be recorded, pursuant to which C.R.No.16/2021 came to be registered against accused no.1 and 2 and two other unknown persons. The injured succumbed to the injuries on 18/11/2021 and Section 302 of Indian Penal Code came to be added.

4. In the course of investigation, statement of Rakesh and other two eyewitnesses came to be recorded. Both these witnesses have implicated the applicant. The role attributed to the applicant is that he had pelted stones on the deceased Purshottam. The postmortem report

as well as medical records indicate that the deceased had suffered several injuries on occipital region of scalp, forehead etc. and the cause of his death was due to head injury. The material on record does not prima facie indicate that the applicant was involved in inflicting fatal injuries.

5. The applicant is the permanent resident of the State and there are no chances of his absconding and thwarting the cause of justice. Moreover, it is stated that the charge is not yet framed. Considering the large pendency, the trial is not likely to commence in immediate future.

6. Considering the above facts and circumstances and particularly the nature of accusations against the applicant this is a fit case for grant of bail. Hence, the application is allowed on the following terms and conditions:-

- i) The Applicant, who is facing trial in Sessions Case No.404 of 2021 pending on the file of learned Additional Sessions Judge, Pune, be released on bail on his executing PR bond of Rs.25,000/- with one or two sureties in the like amount.

- ii) The applicant shall report to concerned investigating officer on first Monday of every Month till framing of the charge.
- iii) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)