

Anand

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

BAIL APPLICATION NO. 4105 OF 2021

Sandip @ Pappu Bhimrao Pagare .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Shraddha Vavhal a/w Mr. Hasnain Kazi, Advocate, for
the Applicant

Mr. P. H. Gaikwad, APP, for the Respondent – State

CORAM : VINAY JOSHI, J.

DATE : 02.05.2022

P. C.

. The applicant is seeking regular bail in C. R. No. 2184 of 2020 registered with the Yerwada Police Station, Pune for the offence punishable under Sections 307, 323, 504 r/w 34 of the Indian Penal Code, under Section 4(25) of the Arms Act r/w under Sections 37(1), 135 of the Maharashtra Police Act and under Sections 3 & 7 of the Criminal Law Amendment Act.

2. At the instance of report lodged by injured dated 21.10.2020, crime was registered. It is the prosecution case

that on the date of occurrence, the applicant and his two associates created terror in the vicinity. At the relevant time, co-accused – Moin Shaikh was brandishing a sickle. All of them accosted the applicant and started to threaten. At that time, co-accused Moin dealt a sickle blow at the head of informant, whilst the applicant picked up tile lying on the road and hit at the face of informant, therefore the report.

3. Injury Certificate discloses that informant sustained CLW at parital occipital region and CLW at right cheek. It is informed that the injured was discharged long back. The main allegation of assault by sickle at head is against co-accused. The tile by which the applicant has allegedly hit to the informant has been seized.

4. Learned APP while opposing bail pointed out that the applicant while on bail, in murder case, has committed existing offence. True, antecedent has to be taken into account. However, the applicant's role in existing crime needs to be primely considered. It reveals that the applicant is creating terror in the vicinity. Investigation is complete

and charge-sheet has been filed. Main allegation of use of dangerous weapon is against the co-accused. The allegation against the applicant is use of tile in the assault. Having regard to these facts, the applicant can be released on bail by putting certain stringent conditions. In view of that, the following order.

ORDER

- (i) The Application is allowed;
- (ii) The applicant namely - Sandip @ Pappu Bhimrao Pagare in C. R. No. 2184 of 2020 registered with the Yerwada Police Station, Pune for the offence punishable under Sections 307, 323, 504 r/w 34 of the Indian Penal Code, under Section 4(25) of the Arms Act r/w under Sections 37(1), 135 of the Maharashtra Police Act and under Sections 3 & 7 of the Criminal Law Amendment Act, be released on bail on his furnishing P. R. Bond of Rs. 25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not enter within the Municipal limits of Pune City till the conclusion of trial except attending Court proceedings;
- (iv) The applicant shall not directly or indirectly make

any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;

(v) Breach of either of conditions will give rise to the prosecution to move for cancellation of the applicant's bail.

5. The Application is disposed of. ~~~~~

(VINAY JOSHI, J.)