

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4075 OF 2021

SHANTARAM DATTATRAYA POKHARKAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Sudeep Pasbola a/w. Mr.Ayush Pasbola, Advocate for the Applicant.

Mrs.M.M.Deshmukh, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

**RESERVED ON : 16th DECEMBER 2021
PRONOUNCED ON : 21st JANUARY 2022**

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.131 of 2021 registered with Police Station Haveli, for offences punishable under Section 143, 147, 148, 149, 452, 307, 354, 363, 427, 504, 506 of the Indian Penal Code (IPC), under

AVK

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Section 3 and 27 of the Arms Act and under Section 135 of the Maharashtra Police Act.

2 The prosecution case in short is that, on 27th May 2021, at about 5.00 a.m., accused persons, namely, Bhagwan Narayan Pokharkar, Jalindar Narayan Pokharkar, Keshav Aargade and their 15 to 20 workers reached at Hotel Wildernest. They were annoyed about no confidence motion passed against the applicant in Gram Panchayat Samiti. The prosecution further alleges that all the above said accused were armed with iron rod, sticks, khanjeer like knife and pistol and assaulted informant and others. They also molested a woman, who was a member of Gram Panchayat Samiti and her husband. Later on, informant lodged the First Information Report (FIR).

3 Mr.Sudeep Pasbola, learned counsel for the applicant, submits that this Court has already released on bail co-accused namely, Bhagwan Narayan Pokharkar, Prakash @ Pappu Maruti Pokharkar and Jalinder Ganpat Pokharkar on 4th November 2021

and 26th November 2021 respectively. Since the applicant is also similarly placed, he deserves to be given the benefit of parity. Besides, according to learned counsel, there is statement of injured, namely, Santosh Ankush Gavhane, who in his statement alleges that the applicant had given a blow of iron rod on his back. The learned counsel also invited my attention to the medical certificate pertaining to the said witness and pointed out that the witness had only suffered simple injury. Investigation is over and charge-sheet has already been filed. In such circumstances, the applicant also deserves to be released on bail.

4 Smt.M.M.Deshmukh, learned APP, does not dispute the above submissions and submits that appropriate order may be passed.

5 Perused the investigation papers. I have also carefully gone through the statement of Santosh Ankush Gavhane as also the medical certificate pertaining to the said witness. The statement of said witness shows that applicant had assaulted him

on his back by means of an iron rod. Similarly, injury certificate shows that on medical examination, the concerned Medical Officer noted tenderness plus bluish black region on back, scapular contigen scapular region caused by means of blunt and hard object. The nature of injury was simple.

6 Having regard to the material on record and the fact that similarly placed accused named hereinabove have already been released on bail by this Court, I do not find any reason to take a different view qua the applicant.

7 In view of above, I am inclined to allow the application. Hence, I pass the following order :

ORDER

- (i) Applicant – Shantaram Dattatraya Pokharkar shall be released on bail in Crime No.131 of 2021 registered with Police Station Haveli, on his executing P.R.Bond in the sum of Rs.25,000/- 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) Bail before the trial Court.
- (v) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (vi) It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.
- (vii) The application is allowed in the aforesaid terms and stands disposed off accordingly.

(V. G. BISHT, J.)