

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4205 OF 2021

Vinayak @ Vinu Yashwant Nikam ...Applicant
V/s.
The State of Maharashtra and anr. ...Respondents.

Mr. R.R. Paramane and Mr. Omkar Gharat for the Applicant
Ms P.P. Shinde, APP for the Respondent – State.
Mr. Veerdhaval Deshmukh for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 10.11.2022.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure, 1860 (Cr.P.C.) for grant of bail.
2. The applicant came to be arrested in C.R.No.292 of 2017 registered at Sangli Police Station for the offences punishable under Sections 307, 143, 147, 148, 149, 504, 506, 427 and 120(B) of the Indian Penal Code (IPC); under Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the Scheduled Caste and Scheduled Tribes Act (Prevention of Atrocities) Act, 1989 (SC& ST Act); under Sections 4, 25 and 27 of Arms Act and under Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (MCOC Act).
3. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

4. The learned counsel for the applicant submits that this Court by order dated 3 August 2021 passed in Criminal Appeal No. 1333 of 2019 has released co-accused Vikrant Babar on bail, who according to the prosecution is gang leader. It is further submitted that the Sessions Court has released co-accused Rohit R. Babar on bail, who according to the prosecution had assaulted the injured on his head by Koyta. It is submitted that considering these facts and as the applicant is in jail for more than five years, he may be released on bail.

5. On the other hand, the learned APP appearing for the State submits that considering the nature of offence, the applicant may not be released on bail.

6. I have perused the statement of injured recorded under Section 164 of the Cr.P.C.. According to the injured, the present applicant and other co-accused assaulted him by Koyta and sticks. According to him, the co-accused Rohit Babar assaulted him by Koyta on his head and the present applicant assaulted him on his leg. According to the prosecution, the co-accused Vikrant Babar is a gang leader. Considering the fact that the co-accused Rohit Babar and Vikrant Babar are released on bail, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail n C.R.No.292 of 2017 registered at Sangli Police Station for the offences punishable under Sections 307, 143, 147, 148, 149, 504, 506, 427 and 120(B) of the IPC; under Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the SC & ST Act; under Sections 4, 25 and 27 of Arms Act and under Sections 3(1)(ii), 3(2) and 3(4) of the MCOC Act on furnishing P.R Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station on first working Saturday of every month between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicant shall not indulge in any criminal activity.

E] The State is at liberty to file an application for cancellation of bail of the present applicant, in case of breach of conditions.

[N.R.BORKAR, J.]