

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.881 OF 2023

SONU @ JAYPRAKASH ASHOK BEG
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Avinash N.Barhate Patil
APP for Respondent : Mr. Y. G. Gujrathi
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CORAM : S. G. MEHARE, J.

DATE : 14-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is claiming bail in C.R.No.I-359 of 2021 registered with Shrirampur City Police Station, Taluka Shrirampur, District Ahmednagar, for the offences punishable under Sections 143, 147, 148, 149, 307, 308, 427, 504, 506, 201 of the Indian Penal Code and Section 3/25 of the Arms Act and Section 7 of the Criminal Law (Amendment) Act.
3. The applicant having bad past with around 25 crimes to his discredit, is claiming bail contending that the first informant has sworn in an affidavit before the Sessions Court that she had lodged report due to misunderstanding and has no complaint against the

applicant and other co-accused. The serious allegations were made against the applicant that he alongwith other co-accused went to her in a four wheeler with a country made pistol, swords and iron rod. The pistol was pointed out at the head of her husband, but he could save his life and flee away from the spot. They pelted stones at the house of the first informant and caused the loss.

4. The learned counsel for the applicant would submit that since the complainant has filed an affidavit stating that she had lodged report due to misunderstanding and has no complaint against the applicant and other co-accused, he deserves bail. The alleged weapons have been recovered. Out of 25 cases against the applicant, 13 have been decided and 12 are still pending. Nobody was injured in the alleged incident. The false allegations have been levelled against the applicant. The co-accused have been granted bail. Hence, he may be granted bail.

5. The learned A.P.P. would argue that the applicant has no good past. He was repeatedly involved in the similar crimes. He was the member of a gang which spread terror in the locality. Before the trial, he win-over the first informant. Her affidavit is the evidence of a terror of the applicant and his companion. There is an apprehension in the mind of the aggrieved persons. Hence, he may not be granted bail.

6. There appears substance in the arguments of the learned A.P.P. that the possibility of winning over the first informant due to terror of the applicant, cannot be ruled out. The applicant has a bad past. Out of 25 cases against him, 13 have been decided and 12 are still pending. The incident happened in the day light. The spot panchnama supports the allegations of pelting stones. Though the first informant has taken away the allegations, the Court is of the view that, the affidavit appears not voluntary. The past of the applicant speaks a lot. The applicant appears not only terrorized the first informant, but many people must have been living under fear in Shrirampur. The over all facts are not fit to grant bail to the applicant.

7. Hence, the application stands dismissed.

(S. G. MEHARE)
JUDGE

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