

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

937 BAIL APPLICATION NO.1654 OF 2023

SAHIL VIJAY PANDIT
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Patil Vijay Bhalerao
APP for Respondents: Mr. S.B. Narwade.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 26TH SEPTEMBER, 2023

ORDER :-

The applicant seeks regular bail in connection with Crime No. 1102 of 2023 dated 3.8.2023 registered with police station Tofkhana, Dist. Ahmednagar for the offence punishable under sections 307, 323, 143, 147, 148, 149, 504, 506 of IPC and Section 4 of the Arms Act and Sections 37(1)(3) and 135 of the Maharashtra Police Act.

2. The investigation has been set in motion on the basis of the information given by the victim, namely, Yuvraj Ramesh Gunjal. In nutshell, it is alleged that the victim boarded in a bus at about 10.00 a.m. on 2.8.2023 for going towards the New Arts College. During the journey, the accused Sahil Vijay Pandit (present applicant) boarded in the bus and he was insisting the informant to provide a place to old passenger. On the aforesaid dialogue, there was further exchange of words. It is alleged that the accused Sahil gave a phone call to some other persons. The

accused persons arrived at the college and they assaulted the informant. It is further alleged that the juvenile accused Deepak Dhakne took out a sickle and gave a blow on the head of the informant.

3. On the basis of such information, aforesaid crime is registered. The applicant is arrested on 12.8.2023 and since then he is behind bars. His prayer for grant of bail has been rejected by the learned Sessions Judge Ahmednagar, vide order dated 30.8.2023. Hence, the present application.

4. Mr. Patil, the learned advocate for the applicant would submit that the applicant is a boy of tender age and a college student. The incident occurred on account of trivial reason. The allegations in the FIR show that the applicant is not the author of the injuries suffered by the informant. There is no allegation of use of any weapon by the applicant. As such, the offence under Section 307 may not attract against the applicant. Other offences are triable by the court of Sessions. The applicant is behind bars for more than six weeks. His further detention would not be necessary.

5. Mr. Narwade, learned APP strongly opposes the prayer. He would point out that the other accused persons arrived on the spot at the instance of the applicant. The informant has suffered grievous injury. His skull is exposed. The offences under Sections 147 and 149 are also invoked against the applicant. The investigation is not yet complete. Hence, he urged to reject the application.

6. Having considered the submissions advanced, apparently, the applicant is aged about 18 years. During the journey towards the college there was altercation and exchange of words between the applicant and informant. At the end of journey, the other accused persons arrived at the spot and there was again exchange of words and hurling of abuses. It appears that the juvenile accused assaulted the victim using the sickle. No role is attributed against the applicant so far as the grievous injury suffered by the informant is concerned. He has been arrested on 12th August, 2023. Since then, he is behind bars. Looking to the totality of the contents in the FIR and the material collected during the investigation, it would be difficult to make out an offence punishable under Section 307 of IPC. In that view of the matter a case is made out for grant of bail. Hence, the following order :-

: O R D E R :

- (i) The application is allowed.
- (ii) The applicant – Sahil Vijay Pandit be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in crime No. 1102 of 2023 registered with police station, Tofphana, Dist. Ahmednagar, on the following conditions :-

[a] The applicant shall not tamper with the prosecution evidence.

[b] The applicant shall not establish any contact with the witnesses, who are acquainted with the facts of the case.

[c] He shall visit the concerned police station once a week on every Friday between 10.00 a.m. to 2.00 pm. till filing of charge sheet.

[d] It is made clear that the observations made above are based

{4}

937 sr.no..odt

on prima facie consideration of the material and are made only for the purpose of disposal of the present application.

[e] The application stands disposed of .

[S.G. CHAPALGAONKAR]
JUDGE

grt/-