

This order is corrected as per speaking to minutes order dated 9.11.2023.

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

BAIL APPLICATION NO.1882 OF 2023

GUDDU @ PRASHANT SUNIL SHEJWAL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant :Miss Sunita G. Sonawane
APP for Respondents: Mr. S.B. Narwade.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 6TH NOVEMBER, 2023

ORDER :-

1. The applicant seeks regular bail in connection with Crime No. 548 of 2023 dated 27.6.2023 registered with Shirdi Police Station, District Ahmednagar for offence punishable under Sections 307, 364(A), 364, 387, 143, 147, 148, 149, 323, 324, 504 and 506 of IPC.

2. The investigation was set in motion on the basis of the information given by one Aniket Jogdand, who alleges that he works at Hotel Murli. The applicant/accused had been to the hotel and told that he is a goon of village and has been extorted. He threatened that if ransom of Rs. 10,000/- is not paid to him, he shall kill the informant. The informant replied that he is not the owner of the hotel. He is simply managing the same as an employee. However, the applicant alongwith his companion hurled abuses and beat him with fists and kick blows. It is further alleged that later on the owner of the hotel made a telephone

call to the informant and told that accused persons alongwith other companions have raised assault against him also and asking for informant. The informant alongwith Vaibhav Anarse and Tushar Kokne proceeded to lodge complaint against the accused. However, other accused persons i.e. Zingya Shejwal and Shubham Gore accosted them and compelled him to accompany them on motorcycle. The motorcycle proceeded towards Shirdi near Bazartal. At that time, accused persons raised assault by fists and kick blows. Thereafter, accused Zingya inflicted injury on Tushar Kokne, by sharp aged weapon. As such, accused Zingya created terror with intention to collect the ransom and left the place.

3. The applicant has been arrested on 27.6.2023 and since then he is behind bars. The investigation is complete and charge sheet is filed against in all 4 accused persons, including the applicant. The application for bail filed by the applicant has been turned down by the learned Additional Sessions Judge, Kopergaon, vide order dated 9/10/2023. Hence, this application.

4. Miss Sunita Sonawane, learned advocate for the applicant would submit that the applicant has been falsely implicated in the aforesaid crime. Even by considering the role attributed against the applicant, the allegation is limited that he had given fits and kick blows to the informant in the incident dated 26.6.2023 that took place early morning. The FIR do not show that the applicant has participated in the subsequent incident when the victim Tushar has suffered injury by sharp weapon. She would submit that the applicant is behind bars for more than 4 months. Considering the role attributed against him, his further detention would not be necessary.

5. The learned APP vehemently opposes the prayer on the ground that the applicant is a hardened criminal. There are 3 previous offences registered against him in relation to human body. He would submit that role of the applicant is specifically mentioned in the FIR. Although in the second incident, no role is attributed against the applicant, he is a member of the gang which is working together and collecting ransom. He would further submit that in the supplementary statement, the role of the applicant in the second incident has been surfaced. He therefore urges to reject the applicant.

6. Having considered the submissions advanced, and after going through the evidence collected during the investigation, apparently, the applicant is attributed role in the incident that took place at about 5.00 a.m. on 26.6.2023. It is alleged that he has given fists and kick blows to the informant and his companions demanding ransom of Rs. 10,000/-. The next incident is stated to be at about 3.00 p.m. in which other accused persons are attributed role of causing bleeding injury to the companion of informant I.e Tushar Kokne. So far as injuries suffered by the informant is concerned, there is no supporting medical evidence. Although the learned APP has pointed out that there are 3 previous offences against the applicant, considering his limited role in the present crime, it is difficult to attract offence under Section 307 of IPC against him. The applicant is behind bars since last 4 months. Further detention need not be continued.

In that view of the matter, a case is made out for grant of bail. Hence, the order :-

O R D E R

- (i) The application is allowed.
- (ii) The applicant – Guddu @ Prashant Sunil Shejwal, be released on bail on furnishing PB. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in Crime No. 548 of 2023 registered with Shirdi police station, Dist. Ahmednagar, on the following conditions
 - [a] The applicant shall not enter the Shirdi Municipal Area for next six months
 - [b] He shall not establish any contact with any person acquainted with the facts of the case;
 - [c] He shall not tamper with the evidence.
 - [iii] Application stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-