



Urmila Ingale

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.908 OF 2023

PANKAJ RAMESH POWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Ramanik Pawar A/W Ms. Samiksha Pawar, or the Applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 13, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offences punishable under sections 307, 120B, 323, 143, 148, 149, 341, 427, 504, 506, 188, 269, 270 of the Indian Penal Code, section 51(b) of Disaster Management Act, sections 2, 3 and 4 of the Epidemic Diseases Act, section 11 of the Covid-19 Regulation Act 2020, under sections 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organized Crime Act, 1999, under section 4 read with 25 of the Indian Arms Act registered on vide C.R. No. 123 of 2021 with Rajarampuri Police Station, Kolhapur.

3. There are in all 12 accused. The applicant is the accused no. 6. The applicant was arrested on 16/06/2021. Accused no.1 – Sairaj Deepak Jadhav is the gang-leader. The incident in question which was a cause for registering the present offence is this. On 06/04/2021, the informant's car was followed by the accused. The informant's car was stopped. The specific role attributed to the applicant- accused no. 6 is that the applicant pulled the informant out of his car. It is then alleged that the informant was assaulted with a sword near his eyebrows by the accused no.2. There is one injury on the person of the informant. The dispute appears to be that the informant was keen to see that supremacy of the gang led by the accused no.1 who is the alleged gang-leader is finished.

4. Learned APP submitted that there are several offences registered against the present applicant. It is further submitted that there are eye-witnesses to the incident who have specifically seen the applicant and have stated his role in their statement. My attention is also invited to the confessional statements made by the co-accused. Learned APP further submitted that the applicant has been identified in the identification parade. It is further submitted that apart from the fact that the applicant has an active role in the incident, the applicant is also an active member of the gang headed by the accused

no.1.

5. The role of the applicant in the present offence is that he pulled the informant out of his car. The assault was by the accused no.2. The informant sustained a simple injury. No doubt, there are criminal antecedents reported against the applicant but in 3 of the C.Rs registered against him, the applicant has been acquitted. It is further pertinent to mention that the gang-leader – accused no.1- Sairaj Deepal Jadhav has been enlarged on bail by this Court by order dated 29/09/2023. Though there is role attributed to the applicant, having regard to the nature of the accusations and the fact that the applicant is in custody from 16/06/2021 almost for 2 years and 3 months with no possibility of trial commencing and concluding any time soon, I am inclined to enlarge the applicant on bail, as even gang-leader who was present at the time of the incident has been enlarged on bail. The investigation is complete. The charge-sheet has been filed. Further custody will only be by way of a pre-trial punishment. The main assailant is the accused no.2. The criminal antecedents registered against the applicant are not sufficient to deprive the applicant the facility of bail considering that the gang-leader – accused no.1 against whom several cases are registered has now, been enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Pankaj Ramesh Powar in connection with C.R. No. 123 of 2021 registered with Rajrampuri police station, Kolhapur shall be released on bail on his furnishing P.R. Bond of Rs.30,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the investigating officer of Rajrampuri police station, Kolhapur once in a month on every first Tuesday of the month between 11.00 a.m. and 1.00 p.m.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (g) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall not enter the jurisdiction of Rajrampuri police station, Kolhapur after being released on bail, till the trial concludes.

(i) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)