

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

CRIMINAL BAIL APPLICATION NO. 2432 OF 2021

Sagar Yashwant Mahanur

...Applicant

Versus

The State Of Maharashtra

...Respondent

Mr. Kuldeep U. Nikam a/w Mr. Om Latpate, Mr. Surajsingh Malas for
the Applicant.

Ms. P. N. Dabholkar, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No.124 of 2019 registered at Vishrambag Police Station, Sangli for offences punishable under Section 302, 307, 120-B, 109, 143, 148,149 , 323,504, 506 of the Indian Penal Code 1860 (for short "IPC") and under Section 4(25)(27) of the Arms Act, Section 135 of Maharashtra Police Act and Sections 3(1)(I)(II), 3(2), 3(4), of Maharashtra Control of Organized Crimes Act, 1999 (MCOCA).

2. It is prosecution's case that on 10th April, 2019, the first informant Suraj Sahani got call from his friend Mahesh Naik (for short "Deceased") and told him that they have to go to Birthday party of Guru Vynkal and called him near water tank at Gulab Colony. The first informant along with his friend Sahebrao went there. At that time Shubham Kundgol, Shubham Pattanshetty, Omkar Pawar, Vishal Korat, Ganesh Babladi, Mahesh Naik and Vishal Kost were standing there. Thereafter, they all went to Mahavir Colony. There was big crowd, at around 9:15 p.m. Leader of the Joy group Sachin Dongare along with members Suresh Shinde, Sagar Mahanur, Pravin Babar, Gopal Pujari, Shushant Kadam, Riyaz Kirjagi, Maruti Shide, Raj Patil , Prashant Surgade and other two to three persons came there and went on stage to wish and also cut the cake. The first informant along with his friends were having dinner at that time. Sachin Dongare and his friends came there and started circling them. Thereafter, Sachin Dongare and Pravin Babar started to abuse Mahesh Naik and said that they won't leave Mahesh Naik and friends alive. Then Sachin Dongare, Pravin Babar, Gopal Pujari, Sushant Kadam, Suresh Shinde and Raj Patil pulled out sharp weapons like Knife and Riyaz Kirjagi, Maruti Shinde, Prashant Surgade and Sagar Mahanur caught hold

Mahesh Naik. Thereafter, Sachin Dongare, Gopal Pujari, Sushant Kadam, Pravin Babar, Suresh Shinde and Raj Patil assaulted Mahesh Naik with sharp weapon with an intention to kill him. Due to said assault, Mahesh Naik fell down.

Ganesh Babladi was trying to rescue Mahesh Naik. At that time, Riyaz Kirjagi and Sushant Kadam caught hold Ganesh and Pravin assaulted on his chest with sharp weapon. The first informant Suraj and his friends tried to save Ganesh and Mahesh Naik but Sachin Dongare threatened them with weapon. Mahesh Naik and Ganesh Babladi fell down. Then Riyaz Kirjagi, Sushant Kadam, Prashant Surgade, Sagar Mahanur and others two or three persons assaulted them with kicks and blows. Sachin Dongare threatened the person who gathered there. People who had came to the event ran away and due to terror, no one came to help them. The first informant Suraj and his friends took the injured to hospital. The Doctor examined the Mahesh and declared him dead, thereafter, Suraj lodged complaint.

3. It is contention of learned counsel for the applicant that role attributed to the present applicant is that he had caught hold

Mahesh Naik (deceased) and other co-accused assaulted him with sharp weapons. And other allegations are that applicant beaten up the injured Ganesh with fist and blows. Learned counsel further submitted that compared to other accused, the role attributed to the applicant is on lower side. This Court (Coram: Amit Borkar, J) by order dated 20th July, 2023 has released co-accused Prashant Surgade on bail, the role of applicant is equivalent to that of co-accused Prashant Surgade, hence on parity, applicant be released on bail. Learned counsel submitted that applicant has no criminal antecedents.

4. Learned APP submitted that considering the nature of allegations against that he caught hold deceased, while other co-accused assaulted him with weapons. The applicant assaulted injured person with fist and blows, it shows his involvement in the crime. If he released on bail he may threaten the prosecution witnesses. Hence requested to reject the application.

5. I have both learned counsel, perused FIR and Charge Sheet. This Court (Coram: Amit Borkar, J) by order dated 20th July, 2023 has granted bail to co-accused Prashant Surgade. The allegations against Prashant Surgade were same like the applicant. Hence, applicant is

entitled for parity.

6. In view of above, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant Sagar Yashwant Mahanur be released on bail in connection with C.R.No.124 of 2019 registered with Vishrambag police station, on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The applicant shall mark his attendance with the concern police station on first Saturday of each month between between 11:00 am to 2:00 pm till conclusion of trial.
- (iv) The applicant shall remain present before the trial Court on each date unless specifically exempted by the Trial Court.
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the

court.

- (vi) The applicants shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.

(SHIVKUMAR DIGE, J.)