

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2917 OF 2021**

Vishal Avinash Mane @ Gotya LaturApplicant

Versus

The State of Maharashtra ...Respondent

Mr. Aniket Nikam i.by Mr.Vivek Nandkishor Arote, Advocate for the Applicant.

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

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th SEPTEMBER, 2023.

P.C. :

1. By this Application, the Applicant is seeking bail in Crime No.372 of 2017 registered with Rajarampuri Police Station, Kolhapur for the offence punishable under Section 307 read with section 34 of Indian Penal Code ("IPC"for short) and under sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organised Crime Act ("MCOC" for short).

2. It is the prosecution's case that, on 8th November, 2017 at about 11:30 PM, when the complainant was returning back

from urinal, at that time, co-accused Ajay Mane, Shubham Hadalkar, and Applicant on account of criminal rivalry assaulted complainant with sickle and iron rod in their hand's. It is alleged that, co-accused Ajay Mane assaulted complainant on his head with sickle and Applicant and other co-accused Shubham Hadalkar assaulted the complainant with iron rod on his back and stomach and when the complainant fell down they kicked the complainant. In the said assault complainant was grievously injured and thereafter, Applicant and co-accused ran away.

3. It is contention of learned counsel for Applicant that, initially Applicant was released on bail by the trial Court. Thereafter, provisions of MCOC are applied against the Applicant and he has taken into custody. The investigation is completed and Charge-sheet has been filed. Applicant is behind bar for more than four years.

4. Learned counsel further submits that, injury certificate of complainant shows nature of injuries were simple. There was

only one simple injury. So section 307 of IPC would not be applicable. Hence, requested to allow the Application.

5. It is contention of the Learned APP that, the Applicant and other co-accused assaulted the complainant with sickle and iron rod. Applicant is member of syndicate crime. There are seven offences registered against the Applicant and if Applicant is released on bail, he may threaten the prosecution witnesses. Hence, he requested to reject the Application.

6. I have heard both learned counsel. Perused FIR and charge-sheet.

7. It is alleged that Applicant and other co-accused tried to kill the complainant, the injury certificate of complainant which is part of charge-sheet shows there was only one injury to the complainant and that too of simple nature. It is alleged that, Applicant had assaulted the complainant on his stomach and back with iron rod but, there is no recovery of iron rod at the instance of the Applicant. The Applicant is behind bar more than four years. Investigation is completed and charge-sheet has

been filed.

8. Considering the above facts no further detention of the Applicant is required.

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

ORDER

(i) The Applicant be released on bail in Crime No. 372 of 2017 registered with Rajarampuri Police Station, Kolhapur on furnishing PR bond of Rs.30,000/- with one or two sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the Rajarampuri Police Station, Kolhapur once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)