

Digitally
signed by
DINESH
SADANAND
SHERLA
Date:
2023.04.19
14:43:46
+0500

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 122 OF 2022

Sahil @ Sonya Raju Waghmare ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Ms Shubhangi Parulekar for the Applicant.
Mrs. Rutuja Ambekar , APP for the Respondent/State .

CORAM : N.R. BORKAR, J.
DATE : 15.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.89 of 2021 registered at Bund Garden Police Station, Pune for the offences punishable under Sections 307, 323, 504, 506, 141, 143, 147, 148, 188, 269 of the Indian Penal Code and Section 4(25) of Arms Act, Section 37(1) read with 135 of Maharashtra Police Act, Section 3 Epidemic Act and Section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act (MCOC Act).
3. I have heard the learned counsel for the applicant and the learned APP for the respondent/ State
4. According to the prosecution, on 9 April 2021, the present applicant and other co-accused assaulted the injured by sword, koyta, sticks etc. due to previous enmity and attempted to

commit his murder. It is alleged that the crime was committed by the organized crime syndicate formed by co-accused Tipya Sultan.

5. I have perused the injury certificate of injured Gaurav Pujari. There are only four injuries, i.e., (i) blunt trauma; (ii) contusion (iii) abrasions and (iv) blunt trauma.

6. *Prima facie*, it is unlikely that the injured would sustain only one grievous injury in an assault by 11 persons that too by sword, koyta, stick etc..

7. According to the prosecution, the applicant is a member of organized crime syndicate, however, *prima facie* there appears to be no material to that effect.

8. The learned APP submits that the applicant is involved in one more crime, i.e., for the offences punishable under the Arms Act. However, considering the overall facts and circumstances of the case and as the applicant is in jail for about two years, I am inclined to release him on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No.89 of 2021 registered at Bund Garden Police Station, Pune for the offences punishable under Sections 307, 323, 504, 506, 141, 143, 147, 148, 188, 269 of the Indian Penal Code and

Section 4(25) of Arms Act, Section 37(1) read with 135 of Maharashtra Police Act, Section 3 Epidemic Act and Section 3(1)(ii), 3(2), 3(4) of the MCOC Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not enter into the jurisdiction of Bund Garden police station, Pune city till conclusion of trial.

[N.R.BORKAR, J.]