

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

CRIMINAL BAIL APPLICATION NO. 1041 OF 2023

Mayur Ashok Lokhande ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Aniket U. Nikam, Mr. Aashish Satpute, Mr. Piyush Toshnival i/by
Mr. Amit Icham, Advocate for the Applicant.

Mr. Y. Y. Dabake, APP for the Respondent – State.

PSI. Rahul J. Vharkate attached to Chinchwad Police Station is
present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 5th JULY 2023

PC :

1. This is the second application for bail before this Court. The previous viz. Criminal Bail Application No. 2923 of 2021 was rejected by this Court vide order dated 21st October 2022.

2. Applicant was arrested on 5th February 2020 in connection with C.R. No. I-354 of 2019 registered with Pimpri-Chinchwad Police Station for offences under Sections 307, 323, 506 read with 34 of the Indian Penal Code (for short "IPC").

3. The first information Report was lodged on 6th October 2019 by Suraj Dilip Jagtap alleging that the first informant was conducting mobile repair shop at Chintamani Chowk. On several occasions he

was harassed by Mayur Lokhande, Pankaj Jagtap, Kishor Ingale and Jaid Mujawar. On account of harassment, he closed the shop in July 2018. He again reopened the shop few days ago. The first informant and his friend Amit Subhash Pote were working in the said shop. The aforesaid persons again started harassing the first informant and his friend Amit Pote. The aforesaid persons were trying to create terror in the area. On 5th October, 2019 the first informant, his friend Amit Pote and others were performing Aarti at Yedeshwari Temple. At that time, Mayur Lokhande, Pankaj Jagtap, Kishor Ingale and Jaid Mujawar came there. All of them tried to drag Amit Pote from the said place. They were restrained from doing so by people gathered at the spot. After completing Aarti They went home. At about 11.00 p.m. the complainant and others heard some commotion at the rear side of house. It was seen from the house that, the said persons who were dragging Amit Pote at the place of Aarti were creating ruckus. The first informant intervened and questioned them. He was threatened and assaulted. All of them charged at first informant with wooden log and sickle. Amit Pote came to the spot. All of them started assaulting Amit Pote. They assaulted him with wooden log. The first informant and others started running from the spot. They chased Amit Pote. He was assaulted with sickle. He suffered injuries. The assailants ran away from the spot. Injured was taken to

hospital, FIR was initially registered under Section 307, 323 and 506 read with 34 of the I.P.C. Amit Pote succumbed to injuries. Section 302 of I.P.C. was added. Applicant was arrested on 5th February 2020. On completing Investigation charge-sheet was filed.

4. Learned Advocate for the Applicant submitted that though, previous application for bail was rejected by this Court, there has been change in circumstances as the applicant is claiming bail on the ground of parity. The other accused, who were attributed similar overt act has been granted bail. After rejection of application for bail preferred by the applicant, two accused having similar role were granted bail by the Sessions Court. Reliance is placed on orders granting bail to the said accused.

5. Learned APP submitted that, two accused, who were granted bail by the Sessions Court recently after the application preferred by the applicant was rejected by this Court, were attributed similar role.

6. Accused Nazim Nazakat Ansari and Sasa @ Sagar Dashrath Waghmode had preferred bail application Nos. 3928 of 2021 and 4334 of 2021 before this Court. Both these applications were allowed by this Court vide order dated 19th April 2022. The other accused Sainath Laxman Ahiwale preferred application for bail before the Sessions Court which was allowed by order dated 27th June 2022. Co-accused Pratik Madhukar Kamble was granted bail by the learned

Additional Sessions Judge, Pune by order dated 27th June 2022. Co-accused Shriram Dilip Wankhede was granted bail by the Sessions Court, Pune vide order dated 27th June 2022. Co-accused Vijay Vitthal Gawali was released on bail by the Sessions Court, Pune vide order dated 21st July 2022. The application for bail preferred by the applicant was rejected by this court vide order dated 21st October 2022. Subsequently, the co-accused Bajrang @ Bajya Arvind Londhe preferred application for bail before the learned Additional Sessions Judge, Pune which was allowed by order dated 9th December 2022. Thereafter, co-accused Pankaj Deepak Jagtap preferred application for bail before the Court of Sessions which has been allowed by order dated 17th February 2023 and the application preferred by Kishor Kancharu Ingale was allowed by the learned Additional Sessions Judge, Pune vide order dated 23rd February 2023. The overt act attributed to Pankaj Jagtap and Kishor Ingale is similar to role of applicant. The applicant is in custody from 5th February 2020. Co-accused, who had allegedly played identical role, has been directed to be released on bail. Hence, bail can be granted to the applicant.

ORDER

- (i) Criminal Bail Application No. 1041 of 2023 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-354 of 2019 registered with Pimpri-Chinchwad Police

Station, on executing PR. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount;

(iii) The applicant is permitted to furnish cash bail in the sum of Rs.50,000/- for a period of six weeks in lieu of surety.

(iv) The applicant shall not enter within the territorial jurisdiction of Pimpri-Chinchwad Municipal Corporation till recording of evidence of all material witness.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as also shall not tamper with the evidence.

(vi) The applicant shall provide his cell number and residential address to the concerned Investigating Officer where he intends to reside.

(vii) Application stands disposed off.

(PRAKASH D. NAIK, J.)