

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

BAIL APPLICATION NO. 2681 OF 2022

Ajay @ Lallan Dattatraya Jadhav

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Shailesh Chavan a/w Mr. Shrikant Panhale - Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 27th MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP Shri Dedhia for the Respondent-State.

2. The Applicant is seeking bail on two grounds, one is on merits and second is on account of delay in conducting the trial. Initially, the offence was registered under Sections 324, 504, 506 read with 34 of the Indian Penal Code against in all six named persons and other unknown persons. Out of them, the present Applicant is one of them. They have beaten the first informant-Datta Bharat Udage on 15/02/2019 with a help of fist, blow and belt. They have demanded an amount from him for the purpose of consuming

liquor. This is background. However on 18/02/2019 his supplementary statement was recorded wherein he has alleged about detaining him in a house by pulling him forcibly. During investigation, it was disclosed that this incident is outcome of unlawful activity carried out by crime syndicate headed by the present Applicant.

3. After getting approval and sanction, charge-sheet is filed for the offence punishable under Sections 307, 364, 387, 143, 147, 148, 149, 324, 342, 504, 506 of the Indian Penal Code and under Sections 3(1)(i), 3(2), 3(4) of the MCOCA Act.

4. Learned Advocate Shri Chavan invited my attention to various materials from the charge-sheet and he submitted that without admitting even though they are accepted, the Applicant cannot be said to be guilty of committing those offences. According to him, the offence under Section 307 of the Indian Penal Code is not disclosed. He invited my attention to the certificate thereby mentioning only one simple injury of a parietal region of skull caused by sharp object. He placed reliance on following orders:-

(i) Accused-Sunny Laxman Adasul @ Aalat granted bail on 12/04/2022.

(ii) Accused-Yogesh Arun Naiknaware granted bail on

27/06/2022.

(iii) Accused-Nilesh granted bail on 14/12/2022.

(iv) Accused-Raju @ Banti Navnath Lomate granted bail on 15/03/2023.

5. Learned APP submitted that there are various complaints made by the persons from the vicinity including the complaint made by principal of Yashwantrao Chavan Institute of Science, Satara on 12/08/2015 (page no. 205). Applicant alongwith associates threatened students from the college with a dire consequences.

6. It is true that the case for detaining and forceful taking away was not made on 16/12/2019, when the F.I.R. is registered. It is true that only simple hurt is caused to the first informant. There are in all 12 offences previously registered against the Applicant. Chart is annexed, it is at page no. 420 of the application. In some of them, he has been acquitted. So the bar under Section 21 of the MCOC Act will not come into picture.

7. It is true that he is behind bar from last four years. It is also one of the factor considered for granting bail as referred above orders. The present Applicant is also behind bar for the last four years and yet trial has not started. Subject to strict conditions, the

Applicant can be granted bail. Hence following Order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant-Ajay @ Lallan Dattatraya Jadhav arrested in connection with C.R. No. 112 of 2019 registered with Satara City Police Station for the offence punishable under Sections 307, 364, 387, 143, 147, 148, 149, 324, 342, 504, 506 of the Indian Penal Code and under Sections 3(1)(i), 3(2), 3(4) of the MCOC Act, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 50,000/-.
- (iii) The Applicant is directed not to enter in the limits of the Satara Municipal Council.
- (iv) He is directed to give his alternate residence address to the concerned Police Station and concerned Court.
- (v) Applicant shall not threaten the prosecution witnesses.
- (vi) The Applicant shall regularly attend the proceedings before the trial Court only for that purpose permission is granted to enter the limits of Satara Municipal Council.
- (vii) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail after notice.

[S. M. MODAK, J.]