



Diksha Rane

23.ba.2825-23.odt

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

BAIL APPLICATION NO.2825 OF 2023

DHANANJAY @ BHAI JAYRAM DESAI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Dr. Uday Warunjikar i/b. Adv. Subhash Hulyalkar, Adv.
Lahu Gholap i/b. Hulyalkar & Associates for the applicant.
Ms. Veera Shinde, APP for the State.
IO PI Manoj Yadav, Paud Police Station, Pune Rural.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 29, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 307, 448, 450, 452, 143, 144, 147, 148, 149, 120-B, 504, 506 of the Indian Penal Code (hereafter 'IPC' for short) read with Section 3, 25 read with 4 of the Indian Arms Act read with 37(1), 135 of the Maharashtra Police Act read with Section 7 of the Criminal Law Amendment Act, 2013, registered on 1/8/2023 vide C.R. No. 301/2023 with Paud Police Station, Pune Rural.
- 3.** The charge-sheet is yet to be filed. There are in all

seven accused. The applicant is the accused no.1. There are two First Information Reports (FIRs) registered, one of the FIR is against the applicant.

4. Learned APP vehemently opposed the application for bail contending that the applicant has created terror in the area.

5. It is the accusation that there is a civil dispute pending between the applicant and one Mr. Parmar. It is alleged that the applicant is trying to grab the land belonging to said Mr. Parmar. The applicant wanted to carry out development on the said land which belongs to Mr. Parmar and therefore, the applicant is threatening him. The applicant is forcibly residing in the guesthouse owned by Mr. Parmar. It is the case of the prosecution that on the date of the incident i.e. on 1/8/2023, the accused nos. 2 to 7 assaulted the injured witness Mr. Balkawade.

6. I have perused the injury certificate. Two of the injuries suffered by the informant are grievous in nature. Admittedly the applicant was not present when the assault took place and is not an assailant. However, it is the case of the prosecution and the informant that the assault was at the

instance of the applicant as the informant was an acquaintance with Mr. Parmar and assisting him.

7. The applicant was arrested on 1/8/2023. Though the investigation is on-going, in the facts and circumstances of the present case, considering the nature of the accusations against the present applicant, his further custody is not required. The applicant can be enlarged on bail by imposing conditions. The applicant is in custody almost for two months. There are criminal antecedents reported against the applicant but that by itself, in my opinion, are not sufficient ground to deprive the facility of bail to the applicant having regard to the facts and circumstances of the present case. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Dhananjay @ Bhai Jayram Desai in connection with C.R. No. 301/2023 with Paud Police Station, Pune Rural, shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Paud police station, Pune Rural, once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) It is made clear that any attempt on the part of the applicants to intimidate, threaten or approach the informant or any of his acquaintance will be viewed seriously. The Investigating Officer then to take appropriate action.

(g) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(h) The applicant, till filing of the charge-sheet, shall not enter the Pune District except for the purpose of reporting to the investigating officer.

(i) Post filing of the charge-sheet the applicant shall not enter Mulashi Taluka till further orders of the trial Court except for the purpose of attending the investigating officer.

(j) The applicant shall surrender his passport, if any, to the investigating officer.

8. The application is disposed of.

(M. S. KARNIK, J.)