



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

BAIL APPLICATION NO. 3350 OF 2023

SAHIL BAPU MHASKE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Priyal G. Sarda for the Applicant.

Mr. N. B. Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 04, 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 302, 324, 323, 504, 143, 144, 147, 148, 149 of the Indian Penal Code and Sections 37(1) (3) read with 135 of the Maharashtra Police Act and Sections 4(25) and 27 of the Indian Arms Act and Sections 3 and 7 of the Criminal Law Amendment Act, registered on 26/10/2022 vide C.R. No.629 of 2022 with Bhosari M.I.D.C. Police Station, Pimpri-Chinchwad.

3. There are in all 10 accused. The applicant is accused No.2. The alleged incident took place on 25/10/2022 at

about 23.30 hrs. The accusation is that the accused have assaulted Pavan Vishnu Lashkare (the deceased). The accusations against the applicant are that the applicant assaulted the deceased with fists and kick blows. The cause of death is head injury. The accused- Akshay Kale is attributed the role of assaulting the deceased with a sharp age weapon called palghan. The co-accused Harshal Jadhav and Sonya Jadhav assaulted the deceased on the head with koytas. Accused Ganesh Shinde assaulted the deceased with a wooden log.

4. Learned APP opposed the application and submitted that having regard to the nature of injuries which are reflected in the post-mortem notes, the assault was done in a very brutal manner. Learned APP further submitted that a plea of alibi has been taken by the applicant which will be of no assistance as there are statements of the eye-witnesses.

5. The accusations against the applicant along with 3 others is assaulting the deceased with fists and blows. It is submitted by the learned counsel for the applicant that the applicant was arrested on 25/10/2022 and while in custody

he appeared for B.B.A. course. The applicant was then granted temporary bail for the period of 5 days. The applicant has not misused the given liberty. Learned counsel for the applicant submits that there are no criminal antecedents reported against the applicant. Considering the fact that the applicant is now pursuing his education in M.B.A. degree course which exams are scheduled on 26/11/2023 and in the facts and circumstances of the present case, taking an overall view of the matter, the applicant can be enlarged on bail by imposing conditions. The investigation is complete and the charge-sheet has been filed. The applicant will face the consequences post-trial if found guilty. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sahil Bapu Mhaske in connection with C.R. No.629 of 2022 registered with Bhosari M.I.D.C. Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- 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. 25,000/- for a period of 6

weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Bhosari M.I.D.C. police station 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) 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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)