

D.A.Ethape

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

CRIMINAL BAIL APPLICATION NO. 3938 OF 2022

Sameer Mohammad Maner	...Applicant
Versus	
State Of Maharashtra	...Respondent

Ms. Sana Raees Khan a/w Mr. Aditya Parmar Advocate for Applicant.
Mr. Y. Y. Dabke, APP for Respondent/State.
PSI Sagar Pawashe, Kherwadi Police Station, present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 4th SEPTEMBER, 2023

P.C.:

1. By this application, the applicant is seeking bail in crime No. 152 of 2021 registered with Bhore Police Station, Pune for offences punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short).
2. It is prosecution's case that, on 2nd October 2021 at around 11:30 p.m. deceased Anand Ganesh Sagale was murdered by applicant and co-accused. It is alleged that, on that day deceased Anand Sagale was standing near Samrat Chowk, where co-accused Sunny Barangale, Amir Maner, Siddhant Borkar and applicant were consuming alcohol and beer. At that time, the applicant by putting his hand on the shoulder of

deceased asked him that he has become a big person. At that time, quarrel started between deceased and applicant. In the said quarrel co-accused Sunny Barangale and Siddhant Borkar caught hold the deceased and Amir Maner picked up a stone and assaulted the deceased. At that time, eye witness Akash More, who was present there, ran away from the spot of incident. Complaint was lodged in the Police Station against co-accused including applicant.

3. It is the contention of learned counsel for the applicant that, though the applicant was present at the place of incident, no specific role is attributed against the applicant. The deceased was assaulted by co-accused. It is alleged that, deceased was assaulted by Amir Maner with stone and he was caught hold by Siddhant Borkar and Sunny Barangale. No specific role is attributed against the applicant. There is no recovery at the instance of applicant. Moreover, co-accused Siddhant Borkar, who played role in the said crime, has been granted bail by the trial Court. There is no criminal antecedents of the applicant. The applicant is behind bar for more than two years. Hence, requested to allow the application.

4. It is contention of learned APP that, initially the quarrel was started between applicant and deceased. Thereafter, deceased was assaulted by other co-accused. It shows involvement of the applicant in the said crime. Hence, requested to reject the application.

5. I have heard the learned Counsels of both parties. Perused FIR and charge-sheet.

6. In the complaint, name of applicant is mentioned. The incident was witnessed by Akash More. His statement is recorded by police. In the said statement he stated that, when incident was happened, at that time he was present there and he has specifically stated that, when the quarrel started, Sunny and Siddhant Borkar caught hold the deceased and Amir Maner assaulted him with stone and all of them beaten up the deceased. This witness ran away from the spot of incident, from his statement no specific role is attributed to the applicant. Moreover, co-accused Siddhant Borkar, who had caught hold to the deceased, has been released on bail by the trial Court. The applicant is behind bar for more than two years. There is no criminal antecedents of the applicant. Considering the above facts, further detention of the applicant is not required.

7. In view of above, I pass the following order:

ORDER

- (i) The applicant be released on bail in Crime No. 152 of 2021 registered with Bhore Police Station, Pune on executing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend concerned police station

once in a month i.e. on first Monday of the month between
11.00 a.m. to 3.00 p.m. till framing of charge;

(iii) Applicant shall not tamper with the evidence and/or
attempt to influence or contact the complainant, witnesses
or any person concerned with the case.

(iv) The application is allowed in the aforesaid terms and
is accordingly disposed off.

[SHIVKUMAR DIGE, J.]