

Arjun

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

BAIL APPLICATION NO.376 OF 2024

Pravin Vishwas Nejdar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. A. P. Mundargi, Senior Counsel a/w Ruturaj Pawar i/b Subir Sarkar, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent-State.

Mr. Ravikant Gacche, PSI, Shahupuri Police Station, Kolhapur, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : FEBRUARY 16, 2024

P.C.:

1. Heard Mr. Mundargi, learned Senior Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	10 of 2024
2	Date of registration of F.I.R.	03/01/2024
3	Name of Police Station	Shahupuri Police Station, Kolhapur
4	Section/s invoked	307 r/w 120-B, 327, 341, 143, 147, 149 & 427 of the <i>Indian Penal Code, 1860</i>

5	Date of incident	02/01/2024
6	Date of arrest	04/01/2024
7	Date of filing Charge-sheet	Not filed

3. As per the prosecution case, there were two groups operating in Shri. Chhatrapati Rajaram Sahakari Sakhar Karkhana Ltd. Kasaba Bawda, Kolhapur. Both groups have contested the elections to the Shri. Chhatrapati Rajaram Sahakari Sakhar Karkhana Ltd.. These two groups formed two separate panels namely 'Chhatrapati Rajarshi Shahu Sahakar Aaghadi' to which the Applicant is belonging and another panel 'Rajarshi Chhatrapati Shahu Parivartan Aaghadi' to which the Accused were belonging. In the said election, 'Chhatrapati Rajarshi Shahu Sahakar Aaghadi' was elected which is led by Amal Mahadevrao Mahadik and the entire panel of 'Rajarshi Chhatrapati Shahu Parivartan Aaghadi' was defeated in the election.

4. The injured Prakash Chitnis in the incident in question is the Managing Director of said Shri. Chhatrapati Rajaram Sahakari Sakhar Karkhana Ltd. and he is supporting 'Chhatrapati Rajarshi Shahu Sahakar Aaghadi'. The Accused are belonging to the other group i.e. 'Rajarshi Chhatrapati Shahu Parivartan Aaghadi'.

5. On 14th December 2023 there was an annual general body

meeting of said Karkhana and in the said meeting some altercation occurred between the injured and the members belonging to 'Chhatrapati Rajarshi Shahu Sahakar Aaghadi'. Thereafter, on 2nd January 2024, an agitation was held by the members belonging to 'Rajarshi Chhatrapati Shahu Parivartan Aaghadi' on the ground that there is delay in cutting the sugarcane crops of the members of said Karkhana. On 2nd January 2024, the incident took place at about 6.30 p.m.. As per the prosecution case, about 25 persons gathered in an unlawful assembly and assaulted the injured i.e. Informant with fist and kick blows by pulling him out from his car.

6. Mr. Mundargi, learned Senior Counsel appearing for the Applicant submitted that the Applicant is a Medical Practitioner and his dispensary is near the spot where the incident in question of assault took place. He submitted that the Applicant heard a noise and he just came outside his dispensary to find out what was happening and as he was at the spot he was apprehended. He submitted that there is a video of the incident in question and the said video does not show that the Applicant has taken part in the said assault.

7. On the other hand, Ms. Shinde, learned APP strongly opposed the Bail Application. She submitted that the investigation is on going and Charge-sheet is not yet filed. She further

submitted that although in the video, the Applicant has not been seen to be assaulting the injured, however, the driver of the vehicle of the injured who is the eye-witness in his statement has specifically mentioned that apart from the persons who are seen in the video, there are many persons who actually assaulted the injured and he has stated the name of present Applicant as one of the assaulter. Learned APP pointed out the Injury Certificate. She submitted that the injuries are grievous.

8. The record shows that the Applicant was apprehended on 4th January 2024 and he is incarcerated since about 45 days. Atleast the video shows that the Applicant has not taken actual part in the incident. The Applicant is a Medical Practitioner and his dispensary is just near the place where the incident in question has taken place. Accordingly, the Applicant is entitled to be released on bail.

9. The Applicant does not have any criminal antecedents.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Pravin Vishwas Nejdar be released on bail in connection with C.R. No.10 of 2024 registered with the Shahupuri Police Station, District-Kolhapur on his

furnishing P.R. Bond of Rs.50,000/- with two solvent local sureties in the like amount.

- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Shahupuri Police Station, District-Kolhapur once in a week, on Sunday between 11.00 a.m. and 1.00 p.m. till filing of the Charge-sheet and thereafter as and when required by the Investigating Officer, until the conclusion of the trial.
- (d) 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 such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merits and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]