

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

**CRIMINAL BAIL APPLICATION NO.724 OF 2024**

1. Sandeep Dattatraya Shirke,  
2. Akshay Anil Giri, &  
3. Vinayak Sunil Chavhan .... Applicants

Versus

The State of Maharashtra .... Respondent

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Mr. Milind Deshmukh, Advocate for the Applicant.

Mr. C.D. Mali, APP for the Respondent-State.

Mr. Vivek Arote, Advocate for the intervenor.

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 01<sup>st</sup> APRIL, 2024**

**P.C. :**

1. The Applicants are seeking regular bail in connection with C.R.No.32/2024 registered at Mahalunge MIDC Police Station, District Pimpri Chinchwad on 15.1.2024 under sections 143, 147, 149, 395, 397, 427 of IPC.

2. Heard Mr. Milind Deshmukh, learned counsel for the Applicant, Mr. C.D. Mali, learned APP for the Respondent-State and Mr. Vivek Arote, learned counsel for the intervenor.

3. The FIR is lodged by one Bharat Aswani. He has stated that he has a restaurant by the name 'Shital Restaurant & Bar' at village Nighoje, Taluka Khad, District Pune. On 14.1.2024 at about 9.15 p.m., two persons came to his restaurant. They consumed liquor. At about 10.00 p.m., the informant told them to go away as he wanted to close the restaurant. They did not pay any attention. At about 10.45 p.m, they paid the bill but they abused the informant and went out. After coming out they faught with the informant. He called the police by dialing '112'. He pushed one of those two persons who fell down. The informant went away. On the next day, he came to his restaurant. He had brought Rs.15,000/- with him in denomination of Rs.100/-. At that time five men and four women came to his counter and started quarreling with him in respect of the incident of the previous night. It is alleged that they caused damaged to the restaurant. One of

them broke a glass container. The other threw a glass towards him. He was manhandled. His gold-chain was lost. One of them removed Rs.10,000/- which had fallen on the floor. One of the Waiters Pandurang More was also assaulted. In the meantime, the police came there. Four persons ran away. Three women and one older man was at the spot. On this basis, the FIR is lodged. The description of the persons who had run away was given in the FIR.

4. Learned counsel for the Applicants submitted that they were arrested on 19.1.2024 and since then they are in custody. The investigation is over. Even the test identification parade is held. There is nothing remaining for the purposes of investigation. The Applicant Nos.1 & 2 are young men. They are still studying. Therefore, their further custody is not necessary. No serious injury is caused to anybody.

5. Learned counsel for the informant submitted that the offence is serious and the accused had caused damage to his restaurant and they had also taken Rs.10,000/-.

6. Learned APP produced the investigation papers before the Court. He submitted that one of the accused Prajwal Salunkhe is still absconding and the allegations are that he had taken away Rs.10,000/-. During investigation nothing is recovered from the present Applicants. He submitted that now the test identification parade is held and the informant had identified all the three Applicants.

7. I have considered these submissions. The FIR mentions the incident dated 14.1.2024 in which two persons had come to his restaurant. One of them was Atish Devkar. Learned APP produced his injury certificate. He has suffered blunt trauma on his right hand, back, left foot, right little finger and had swelling over left hand. It means that he was assaulted badly. This happened on 14.1.2024. The informant has not explained these injuries on Atish. These injuries and assault on Atish was the reason why the incident had occurred on the next day when the Applicants and others who were the relatives and friends of Atish had gone to the informant's

restaurant to question him. At that time, this further incident has taken place as retaliation.

8. Though the acts alleged against the Applicants cannot be justified, it would still be a matter of trial to decide whether they had actually committed this offence. As of today the Applicants are custody since 19.1.2024.

9. The investigation is over as far as they are concerned though as of today the charge-sheet is not filed. The investigation papers include the statements of eye witnesses, namely, Pandurang More, Murar Bhiswas, Subhaschandra Das and Dasaram Choudhary. Their statements are similar. It does not take the prosecution case any further. The injury certificate of Pandurang shows he had suffered one minor contusion on the left side of his left hand. The informant had suffered one contusion and one blunt trauma on the head and chest. Both the injuries are described as simple injuries. Hence no grievous injury is caused to anybody. In this view of the matter further custody of the Applicants is not necessary. They can be released on regular bail.

10. Hence, the following order :

**ORDER**

- (i) In connection with C.R.No.32/2024 registered at Mahalunge MIDC Police Station, District Pimpri Chinchwad, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall not cause any harassment to any of the witnesses and the informant in the present case.
- (iii) Criminal Bail Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**

Deshmane (PS)

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by  
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PRAKASHRAO  
DESHMANE  
Date:  
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