

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1225 OF 2023**

Ajay Sachin Mane

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Om Latpate i/by Mr. Kuldeep Nikam, Advocate, for the Applicant.
Ms. S.S. Kaushik, APP, for Respondent- State.
Mr. D.G. Sontakke, PSI, Hadapsar Police Station present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 21st March 2024

P. C.

1. Heard Mr. Latpate, learned Counsel for the Applicant and Ms. Kaushik, learned APP 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.	621 of 2022
2	Date of registration of F.I.R.	31.05.2022
3	Name of Police Station	Hadapsar Police Station Pune district
4	Sections invoked	302 r/w 34 of the <i>I.P.C., 1860</i> ; 4 and 25 of the <i>Arms Act, 1959</i> ; 37(1) & 135 of the <i>Maharashtra Police Act, 1951</i>
5	Date of incident	30.05.2022
6	Date of arrest	31.05.2022
7	Date of filing of Charge-sheet	25.08.2022

3. As per prosecution case, Accused No.1 – Mr. Kiran Vitthal Dhotre – aged 19 years, Accused No.2 – Mr. Prashant Shankar Hiremath – aged 19 years and Accused No.3 – Mr. Ajay Sachin Mane – aged 20 years (present Applicant) had started a small paan shop near Bank of Maharashtra, Bhekrainagar, Phursungi, Pune in April 2022. The deceased used to visit the said pan shop and he would threaten the Accused persons and he used to forcibly take Cigarettes etc. without making any payment. On two occasions, he had taken the entire cash from the cash box of the said paan shop by threatening the present Applicant and other two co-accused. On 30.05.2022, the deceased came to the said paan shop of the Accused persons and started abusing them. Therefore, there was an altercation between the deceased and the Accused and all the Accused persons assaulted the deceased with a sickle.

4. Mr. Latpate, learned Counsel for the Applicant submitted that the incident in question had taken place on the spur of the moment. He submitted that in fact, the deceased used to extort money from the Accused and as they objected to it, the incident in question has taken place. He submitted that the Applicant is a young man aged 20 years. He submitted that there are no antecedents. Therefore, the Applicant may be released on bail.

5. On the other hand, Ms. Kaushik, learned APP for the Respondent

– State submitted that all the Accused have assaulted the deceased and that they used the said weapon. Therefore, bail may not be granted to the Applicant.

6. A perusal of the record shows that the incident in question has taken place on 30.05.2022. F.I.R. was lodged on 31.05.2022 and the Applicant was arrested on 31.05.2022. Charge-sheet has been filed on 25.08.2022. There is no further progress in the trial. Even the charge is also not framed yet. As per the Charge-sheet, 34 witnesses are proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

7. The factual position on record shows that the deceased used to extort money from the Accused persons. As the Accused persons had objected to and resisted the same, a quarrel took place between the Applicant and the deceased. *Prima facie*, the incident has taken place on the spur of the moment. The Applicant is aged 20 years.

8. There are no antecedents against the Applicant.

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

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:-

ORDER

(a) The Applicant - Ajay Sachin Mane be released on bail in

connection with C. R. No.621 of 2022 registered with the Hadapsar Police Station, District - Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent 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 Hadapsar Police Station, District - Pune on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. for a period of six months and thereafter, as and when called by the Investigating Officer.

(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 merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]