

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2179 OF 2022

Amol Manik Pandhare	]	Applicant
Vs.		
The State of Maharashtra	]	Respondent

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Mr. Satyavrat Joshi i/b Mr. Nitesh Mohite, for Applicant.

Mr. A.A. Palkar, A.P.P, for Respondent – State.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 20th March, 2024.

P.C.

1. Heard Mr. Joshi, learned Counsel for the applicant and Mr. Palkar, the learned A.P.P.

2. Applicant is one of the seven accused, out of which, two are juvenile who are being prosecuted by *Kondhava* Police Station, *Pune* for the offences punishable under Sections 302, 307, 143, 147, 148, 149 of the Indian Penal Code (for short “I.P.C”) and under Section 4 (25) of the Arms Act and under Sections 37 (1) (3)/ 135 of the Bombay Police Act in connection with C.R. No.677 of 2021.

3. First informant – Pralhad Anil Jadhav lodged an First Information Report on 11th August, 2021. There was a quarrel between juvenile-in-conflict with law and one Kartik (deceased) at *Yeolewadi*. When the first informant inquired with the deceased about quarrel, the deceased informed, amongst others, name of the applicant, Sahil Adake, Abhi Pawar and their two associates.

4. On 12th August, 2021 around 5.30 p.m, one Shakil - friend of the informant informed him that some unknown persons assaulted the deceased by sharp edged weapons. When the informant reached Sassoon Hospital with his cousin viz: Prashant Jadhav, he came to know that around 4.30 p.m in front of *Katta* of Star Hotel Snacks Center, accused persons in order to take revenge of a quarrel, assaulted the deceased by means of scythe and other weapons resulting into grievous injuries.

5. After registering the First Information Report, the Investigating Officer held investigation into the crime. He recorded statements of the witnesses and seized the weapons of the offence. Autopsy of the dead body of the deceased was conducted at the Hospital. Before sending the body for autopsy, an inquest was

conducted. Autopsy Report reveals cause of death as “due to multiple chop injuries”. Column No.17 of the Autopsy Report indicates as many as thirty seven injuries on the person of the deceased.

6. At the outset, Mr. Joshi submits that Yuvraj @ Sai @ Saya Ashok Hawale and Ajay Garad have been released on bail and, therefore, the applicant deserves to be released on the ground of parity. He also submits that in view of his long incarceration also, the applicant deserves to be released on bail.

7. Per contra, the learned A.P.P submits that the charge will be framed on the next date and, therefore, looking to the gravity of the offence, number of offenders and injuries as well as part of the body chosen to inflict injuries by the assailants including the applicant, applicant shall not be released.

8. I have perused the record meticulously as well as an order passed by the trial Court rejecting Bail Application of the applicant. The Trial Court observed from perusal of the statements of the witnesses viz: Sohail Akare and Prashant Jadhav that the deceased

had been assaulted by a sharp weapon which was recovered at the instance of the applicant.

9. Statement of Prashant Pandit Jadhav, cousin of the deceased Kartik indicates that on 12th August, 2021, he received a phone call from his friend Ajim Shaikh who informed him that Kartik was being assaulted brutally and was lying in a pool of blood outside the Star Hotel. When this witness immediately rushed to the spot, he noticed a crowd and two Police Personnel inquiring with the deceased who was still alive. Kartik was moaning due to the injuries suffered by him. He was taken to Sassoon Hospital in a Rickshaw. While they were on the way to the Hospital when this witness asked him about the assault, deceased informed him that he was assaulted by Sahil Aadake and Amol Pandhare (applicant) and others by means of scythe. This statement of Prashant Jadhav which is in the form of oral dying declaration of the deceased coupled with the statement of Vijay Garad and other witnesses indicates direct involvement of the applicant in the murder of the deceased.

10. Having considered the aforesaid material on record, this is not at all a fit case to grant bail, for, not only there is every

likelihood of threatening, coercing and influencing the prosecution witnesses but it may also result in miscarriage of justice if the trial is hampered. The offence is very serious. Maximum punishment provided is death penalty. The charge is likely to be framed on the next date and, therefore, it would not be just and proper to grant bail to the applicant.

11. The application, therefore, stands dismissed.

[PRITHVIRAJ K. CHAVAN, J.]