

VRJ

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

BAIL APPLICATION NO.102 OF 2024

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Pappu Ashok Murtadak ... Applicant

V/s.

The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.768 OF 2024
IN
BAIL APPLICATION NO.102 OF 2024**

Kunal Alias Dadu Vijay Thorat ... Intervenor

In the matter between

Pappu Ashok Murtadak ... Applicant

V/s.

The State of Maharashtra ... Respondent

**WITH
BAIL APPLICATION NO.3468 OF 2023**

Sachin Alias Sonu Bhika More ... Applicant

V/s.

The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.763 OF 2024
IN
BAIL APPLICATION NO.3468 OF 2023**

Kunal Alias Dadu Vijay Thorat ... Intervenor

In the matter between

Sachin Alias Sonu Bhika More ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Aniket Vagal with Mr. Savvy Kolhekar, Mr. Divesh

Mehani and Mr. Kunal N. Pednekar for the applicant in BA/102/2024.

Mr. Akshay H. Bankapur with Mr. Bhavesh R. Saindanvise for the applicant in BA/3468/2023.

Ms. Shradha Sawant for interior in both IAs.

Mr. Pankaj P. Deokar, APP for the State.

Mr. S. U. Ahire, Panchwati Police Station, Nashik is present.

CORAM : AMIT BORKAR, J.

DATED : MARCH 15, 2024

P.C.:

1. For the reasons stated in each interim application, both the interim applications seeking intervention are allowed.
2. Both the applicants have filed applications under section 439 of the Criminal Procedure Code, 1973 in relation to C.R. No.197 of 2022 registered with Panchwati Police Station Nashik for offences punishable under sections 307, 364, 201, 323, 504, 143, 147, 148, 149 and 34 of the Indian Penal Code, 1860.
3. According to the prosecution, due to previous enmity there were scuffles between the applicants in Bail Application No.3468 of 2023 and other co-accused. The alleged incident is of 5th June 2022. According to prosecution, around 10:15 p.m. the accused persons came in auto-rickshaw driven by accused Viki Wagh accompanied by rest of the accused including present applicants. According to prosecution, the accused persons carried the victim in auto-rickshaw and took him to the place of incident. It is alleged that both the applicants along with other three co-accused

assaulted the victim using floor tiles. It is also alleged that the applicant in Bail Application No.102 of 2024 assaulted the victim in auto-rickshaw.

4. The applicant in Bail Application No.102 of 2024 was arrested on 10th June 2022 and the applicant in Bail Application No.3468 of 2023 was arrested on 8th June 2022.

5. The applicants filed an application for regular bail before the Sessions Court which came to be rejected. The applicant in Bail Application No.102 of 2024 filed an application before this Court which came to be rejected by granting liberty to the applicant to apply after six months. The said order was passed on 14th July 2023.

6. The investigation is complete and charge-sheet is filed. The material on record indicates that both the applicants have not been assigned individual role. Prima facie, according to prosecution, the assault is by floor tiles lying on the spot of incident. Considering the nature of injuries and the period of applicants' detention, the applicants deserve to be released on bail.

7. However, considering the antecedents to their discredit, learned advocate for the applicants, on instructions, state that the applicants shall not enter limits of district Nashik during pendency of the trial. Statement is accepted. Hence, following order:

a) The applicants Sachin Alias Sonu Bhika More and Pappu Ashok Murtadak are released on bail in connection with C.R. No.197 of 2022 registered with Panchwati Police Station Nashik for offences punishable under sections 307,

364, 201, 323, 504, 143, 147, 148, 149 and 34 of the Indian Penal Code, 1860, on furnishing PR Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;

8. The applicants shall not enter the limits of Nashik District during pendency of the trial save and except for the purpose of attending the trial.
9. The applicants shall regularly remain present during the trial unless exempted by the Court;
10. The applicants shall not directly or indirectly obstruct or hamper the police investigation and not to play mischief with the evidence collected by the police.
11. The applicants shall, at the time of execution of the bond, furnish their address and mobile number to the investigating officer, and the court concerned, and shall inform change of address, if any, within two weeks weeks thereof to the Court and investigating officer till the conclusion of the case.
12. The bail applications stand disposed of in above terms.

(AMIT BORKAR, J.)