

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

BAIL APPLICATION NO.2602 OF 2024

Tejas *alias* Sushant Raju Gore

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kedar J. Patil a/w Ms. Sakshi S. Kadam, Mr. Sachin Mane & Mr. Madan Bhosale i/b Pratik G. Tare, for the Applicant.

Ms. Rajeshree V. Newton, APP, for the Respondent – State.

P.S.I. Pradip Jalindar Jadhav, Shivajinagar Police Station, Ichalkaranji, District – Kolhapur, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 21 AUGUST 2024

P.C.:

1. Heard Mr. Patil, learned Counsel for the Applicant and Ms. Newton, 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.	583 of 2023
2.	Date of registration of F.I.R.	17/09/2023
3.	Name of Police Station	Shivajinagar, District - Kolhapur
4.	Sections invoked	307, 323, 504, 506 r/w 34 of the <i>I.P.C., 1860</i>
5.	Date of incident	16/09/2023
6.	Date of arrest	17/09/2023
7.	Date of filing of Charge-sheet	24.11.2023

3. As per the prosecution case, there are in all three accused persons. The Accused and Informant are friends. The Applicant is Accused No.3. As per the prosecution case, Accused No.1 – Rohit Shivaji Shingade was in a romantic relationship with the cousin sister of one Raju Vadar and the Informant provided information about the same to Raju Vadar. Therefore, said Rohit Shingade had questioned the Informant about the same around one month earlier from the date of incident. The incident in question occurred on 16.09.2023 at about 8.30 p.m. when the Informant was at Platinum Gym, Deccan Road, Ichalkaranji. At that time, Accused No.1 – Rohit Shingade called the Informant outside the Gym and Accused No.1 – Rohit Shingade, Accused No.2 – Amar Wagh and Accused No.3 – Sushant Gore i.e. present Applicant questioned him about his said conduct of providing information regarding the romantic relationship between Accused No.1 – Rohit Shivaji Shingade with the cousin sister of said Raju Vadar to said Raju Vadar. Suddenly scuffle took place between the Accused and the Informant. In that scuffle, the Applicant i.e. Accused No.3 – Sushant Gore assaulted the injured with a knife. Accused No.1 - Rohit Shingade assaulted the informant with a sickle and the Accused No.2 assaulted the injured with kicks and fist blows.

4. It is the contention of Mr. Patil, learned Counsel for the Applicant that there is no motive for the Applicant to commit the offence in question. The motive is attributed to the Accused No.1. He submitted that the Applicant is incarcerated since 17th September

2023, investigation is completed and Charge-sheet has already been filed. He pointed out the Injury Certificate which is on Page No.81 and submitted that the injuries are simple in nature. He submitted that although there is 1 antecedent against the Applicant bearing C.R. No.75 of 2021 registered with the Ichalkaranji Police Station for the offence punishable under Sections 302, 397, 120B, 201 r/w 34 of the *Indian Penal Code, 1860*, the Applicant has already been enlarged on bail in the said case by Order dated 26th October 2021 passed by the learned Additional Sessions Judge, Ichalkaranji in Criminal Bail Application No.356 of 2021. He submitted that Accused No.2 – Amar Sunil Wagh has been enlarged on bail by this Court by Order dated 22nd March 2024 passed in Bail Application No.1201 of 2024. He submitted that the Applicant is a young man, aged 21 years. He therefore submitted that the Applicant be enlarged on bail.

5. On the other hand, Ms. Newton, learned APP for the Respondent – State vehemently opposed the Bail Application. She submitted that all the three accused persons have mercilessly assaulted the injured. The Accused No.1 assaulted the injured with a sickle, Accused No.3 i.e. present Applicant assaulted the injured with a knife and the Accused No.2 assaulted the Informant with kicks and fist blows. She further submitted that there is 1 antecedent. She also submitted that the role of the Accused No.2 – Amar Sunil Wagh who has been granted bail by this Court is totally different than the role of the present Applicant. She submitted that the said Accused No.2 had

assaulted the Informant with kicks and fist blows, whereas the present Applicant had assaulted the Informant with a knife. She submitted that there are eye-witnesses to the incident. She pointed out the statement of Akash Sunil Khamkar dated 17th September 2023 (Page No.112). She also submitted that there is a recovery of blood stained clothes of the present Applicant. She therefore submitted that the Bail Application be rejected.

6. A perusal of the record shows that the incident in question occurred on 16th September 2023, F.I.R. was lodged on 17th September 2023 and the Applicant was apprehended on 17th September 2023. Charge-sheet was filed on 24th November 2023. As per the Charge-sheet, there are about 21 witnesses proposed to be examined by the prosecution. There is no progress in the trial. Even the Charge is also not framed yet. The trial is likely to take a considerably long time.

7. The Injury Certificate shows that the injuries are simple in nature.

8. Although there is 1 antecedent against the Applicant which is *inter alia* punishable under Section 302 of the IPC, the above-referred Order dated 26th October 2021 by which the Applicant has been granted bail in that case, shows that there is no eye-witness to the incident and the Applicant was arrested on the basis of his confessional statement. Apart from that the said incident has taken place due to some dispute regarding consumption of alcohol.

9. Mr. Patil, learned Counsel for the Applicant, after taking instructions, submitted that as both the offences are registered in the District – Kolhapur and as several witnesses are also from District - Kolhapur, the Applicant will therefore not reside within District – Kolhapur and that the Applicant will reside with his relative i.e. C/o. Vaishali Suresh Mahadar, Kasegaon, Taluka – Walwa, District – Sangli.
10. The Applicant does not appear to be at risk of flight.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
12. In view thereof, the following order:-

ORDER

- (a) The Applicant –Tejas *alias* Sushant Raju Gore be released on bail in connection with C.R. No.583 of 2023 registered with the Shivajinagar Police Station, District – Kolhapur on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Kolhapur district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (c) 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.
- (d) The Applicant shall report to the Kasegaon Police Station, District – Sangli once in a week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the

trial. The Police Inspector of Kasegaon Police Station, District – Sangli to communicate details thereof to the Investigating Officer.

- (e) 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.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the Trial Court shall decide the case on its merits uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]