

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.4537 OF 2024

Gangaram @ Rohit Shivaji Shingade	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Pratik G. Tare a/w. Mr. Kedar Patil and Ms. Sakshi S. Kadam,
 Advocates, for the Applicant.
 Ms. Poonam P. Bhosale, APP, for the Respondent-State.
 Ms. Poonam S. Mane, API, Shivaji Nagar Police Station, Kolhapur,
 present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 18th DECEMBER 2024

PC:-

1. Heard Mr. Pratik Tare, learned Counsel appearing for the Applicant and Ms. Bhosale, learned APP appearing 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 th September 2023

3.	Name of Police Station	Shivaji Nagar, Dist. Kolhapur.
4.	Section/s invoked	307, 323, 504, 506 r/w. 34 of the Indian Penal Code, 1860.
5.	Date of incident	16 th September 2023
6.	Date of arrest	18 th September 2023
7.	Date of filing of Charge-sheet	24 th November 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.1. 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 16th September 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 i.e. the present Applicant, Accused No.2 – Amar Wagh and Accused No.3 – Sushant Gore 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.1 - Rohit Shingade assaulted the informant with a sickle and Accused No.3 – Sushant Gore assaulted the injured with a knife and the Accused No.2 assaulted the injured with kicks and fist blows.

4. It is the contention of Mr. Pratik Tare, learned Counsel for the Applicant that the incident in question has happened due to minor dispute. He submitted that the Applicant is incarcerated since 18th September 2023, investigation is completed and chargesheet has already been filed. He pointed out the Injury Certificate which is on page No.40 and submitted that the injuries are simple in nature. He submitted that although there is one antecedent against the Applicant bearing C.R. No.272 of 2020 registested with the Shahapur Police Station, Thane for the offences punishable under Sections 452, 143, 145, 147, 149, 323, 504, 506 of the Indian Penal Code, 1860, the Applicant has already been enlarged on bail in the said case. 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 Accused No.3-Tejas alias Subhash Raju Gore has also been released on bail by order dated 21st August 2024 passed by this Court in Criminal Bail Application No.2602 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. Bhosale, 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 i.e. the present Applicant assaulted the injured with a sickle, Accused No.3 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 one antecedent. She also submitted that the present Applicant has motive to commit the crime. 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.68). She also submitted that there is a recovery (Page Nos.57 to 62) of koyta and knife at the instance 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 18th 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 one antecedent against the Applicant, the same is of the year 2020 and the Applicant has been enlarged on bail in the said case.

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

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant - Gangaram alias Rohit Shivaji Shingade be released on bail in connection with C.R. No.583 of 2023 registered with the Shivaji Nagar 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) 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 Shivaji Nagar Police Station, Ichalkaranji, District - Kolhapur once every week, on every Sunday between 11:00 a.m. and 01:00 p.m. till the conclusion of the trial.
- (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.

11. The Bail Application is disposed of accordingly.

12. 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.]