

MHKO010036062023



ORDER BELOW EXH.35 IN SESSIONS CASE NO. 216/2023

Karan Uday Sawant .. Applicant/accused No.2

Vs.

State of Maharashtra .. Opponent

Through Rajarampuri P S.

1. This bail application is moved by the applicant/accused No.2 in C.R.No.348/2023 registered with Rajarampuri Police Station under Section 307, 323, 427, 504, 506 r.w. 34 of I. P. C and Section 5 and 27 of Indian Arms Act. The applicant has filed the present bail application under section 439 of Cr. P. C.

2. Facts of the case of prosecution are as under:-

There is a gang of Thugs in the area of Doulatnagar in Kolhapur and present applicant along with other non applicants is member of the same. The said gang's leader is Rama Kalgutagi. On 4/7/2023, at 10.00 p.m, when informant Nilesh Jadhav was standing in front of Vijay Bakery, four persons came there on two motorcycles. They were damaging other vehicles while they approached the informant. Rama Kalgutaki was a pillion rider on one vehicle. He had prior enmity with the informant and therefore he

injured the informant on his head with sword in his hands. Present applicant and other non applicants assaulted the informant with fist blows and kicks. The informant was badly injured and was taken to hospital. He lodged FIR against all the accused at Rajarampuri police station on 5/7/2023 at 2.57 hrs.

3. It is stated by the applicant that, he has not committed any offence. It is also stated that, the applicant had no prior enmity with the informant. The applicant is permanent resident of Kolhapur having immovable property there. Nothing is recovered from the applicant. Ld. Advocate for the accused argued as per grounds mentioned in the application and also submitted that, co-accused No.3 is released on bail by Hon'ble Bombay High Court. He also argued that, alleged offence and role attributed to present applicant is in respect of bailable offence, punishable with imprisonment of two years.

4. Investigating officer and Ld. A. P. P. filed say at Exhs.31 and 32 and opposed the bail application. According to them, earlier bail application of the accused was rejected and there is no material change in the circumstances. Ld. A.P.P. argued that, the present accused is involved in the commission of a serious crime and has criminal antecedents. He submitted that, there is apprehension that he will commit similar offence or will flee from justice.

5. I have considered rival submissions of the Ld. advocate of the applicant as well as that of Ld. A. P. P. Earlier bail applications of the applicant were rejected. I have perused the record, which shows that, even as per chargesheet, the role attributed to present applicant is that, he assaulted the informant with fist blows and kicks. The applicant is praying for bail on the ground of parity. Hon'ble Bombay High Court has passed order dt.26/8/2024 in Bail Appln.No.3886/2023 whereby it was observed that, only role attributed to non applicant is that, he assaulted the informant with fist blows and kicks and therefore, accused No.3 was released on bail. In present case also similar role is attributed to the applicant. Major role of injuring the informant with sword is attributed to accused No.1. only. The injury certificate mentions only one single injury.

6. The investigation is now complete and chargesheet is filed on 30/8/2023. As per chargesheet, total 19 witnesses are to be examined by the prosecution. The trial will take a considerably long time to conclude. As per as antecedents against the applicant are concerned, suitable conditions can be imposed on the applicant to secure his presence for the trial. The applicant does not appear to be at risk of flight. Therefore, the applicant can be enlarged on bail by imposing stringent conditions. Hence, I pass following order:-

ORDER

1. The applicant/accused No.2 Karan Uday Sawant be released on bail in connection with C.R.No.348/2023, registered with Rajarampuri Police Station on his furnishing P. R. bond of Rs. 50,000/- (Rs. Fifty Thousand only) with one or two sureties in like amount.
2. The applicant/accused No.2 shall not enter into Kolhapur District, except for reporting to the investigating officer, if called, and for attending the trial.
3. The applicant/accused No.2 shall furnish his phone number and residential address to the investigating officer and shall keep the same updated, in case of any change there.
4. The applicant/accused No.2 shall not directly or indirectly make any inducement, threat, promise to any person acquainted with the facts of the case, so as to dissuade such person from disclosing the facts to the Court or to the Police.
5. The applicant/accused No.2 shall not tamper with the evidence and shall not influence or pressurize witnesses directly or indirectly.
6. The applicant/accused No.2 shall attend the court dates of present matter regularly and shall co-operate with the trial.
7. Violation of any of the above mentioned conditions may entail a ground for cancellation of bail.
8. Bail before committal Court.

Kolhapur.

Date : 11/10/2024

(Aparna S. Waikar)
Assistant Sessions Judge,
Kolhapur.