

CNR-MHPU01-0002616-2023

Sessions Case No.203/2023.
State V/s. Rajan @ Pandya +3

Order passed below application Exh.12 of accused No.2 Vaibhav
@ Gotya Rajabhau Tarange for grant of bail under Section 439 of
Cr. P. C.
(Passed on this 27th day of April, 2023)

Vide the present application under Section 439 of the Code of Criminal Procedure, the accused No.2 sought for regular bail in Crime No.454/2022 registered with Police Station-Sinhagad Road, Pune for the offences punishable under Sections 307, 323, 504, 506 & 427 r/w. 34 of the Indian Penal Code, Sections 37(1) (3) r/w.135 of Maharashtra Police Act and Sections 4 r/w. 25 of Arms Act.

2. Perused the application and say vide Exh.16 of Ld. A. P. P on it and investigation papers including charge-sheet.

3. Heard, Learned Advocate Mr. S. M. Waghmode for accused No.2 and Learned A. P. P. Mrs. Leena Pathak for the State.

4. Brief facts of the prosecution case is as under,
Alleged incident took place on 19.10.2022 at about 1.10 a.m. in the Lane of Vrundavan Society, Near Silverburch Hospital, Raikar Mala, Dhayri, Pune. On the day of incident, informant Santosh alongwith his friend Chandrakant @ Rajabhau came near the Dragon Chinese Shop, Dhayari to celebrate the birthday of their friend. Accused Nos.1 to 4 were quarreling with the Dragon Chinese Runner, so the informant was convincing the accused and asked them to come to neighbouring Chinese Center

to eat noodles. Accused have abused the informant in filthy language. Accused No.2 rushed towards the informant. Accused Nos.1, 3 & 4 were beating with hands to the informant. Witness Chandrakant ran away from the spot. Informant gave a slap on the hand of accused No.3, so accused No.2 drawn a long sickle and rushed towards the informant. Informant went to the casualty ward of the Silverburch Hospital to save his life. Accused have entered into the said hospital and beaten informant with fists & kicks and assaulted with iron long sickle on his head and caused grievous injury to him. Accused have waved the long sickle in the air while coming out from the hospital and broken the glasses of the parked ambulance and medical counter, and caused damages to it. Accused have breached the prohibitory order issued by the Joint Police Commissioner.

5. Ld. Advocate for the accused No.2 has argued that the role of the accused No.2 is similar to the accused No.1 and long sickle has been recovered from the accused No.1. Accused Nos.1, 3 & 4 are bailed out. Investigation has been completed being charge-sheet is filed. Accused No.2 is in custody since 19.11.2022. He has prayed for the grant of regular bail to the accused No.2 subject to conditions.

6. Ld. A. P. P. has argued that accused No.2 has beaten the informant with hands and long sickle has been recovered from the accused No.1. Informant has sustained the grievous injury and

photographs are produced on record. Applicant is captured in C.C.T.V. footage. She has prayed for rejection of bail application.

7. Considering the submissions of both the sides and on perusal of the investigation papers in the charge-sheet including the statement of the informant/injured, it transpire that the on the day of incident, the accused Nos.2 & 3 have assaulted with long sickle on the head of informant whereas the accused No.1 has beaten the informant with hands. However, the alleged long sickle has been recovered from the accused No.1. Investigating officer has recovered the clothes of accused Nos.1 to 4. As per the C.C.T.V. footage of Camera No.6, accused Nos.1 & 2 are allegedly shown to be assaulting the informant with long sickle and accused No.3 assaulting him with steel stool. As per the C.C.T.V. footage of Camera No.1, accused No.2 is shown to be assaulting and beating the informant with a long sickle. As per the injury certificate, informant has sustained the grievous injuries i.e. multiple CLWs and multiple abrasions. Investigation has been completed being the charge-sheet is filed. It is a matter of evidence as to whether offence punishable under Section 307 of I. P. C. is attracted against the accused No.2 or not.

8. Accused No.2 is under detention since 19.11.2022 i.e. for more than 5 months. Trial will take the considerable time to complete the same. No purpose would be served by detaining the accused No.2 further. So far as apprehension raised by the

investigating officer is concerned, same can be served by imposing the conditions.

9. Considering the nature of offences, role attributed to accused No.2, filing of charge-sheet, period of their detention and facts & circumstances of case, he deserves to be enlarged on bail subject to conditions. In result, application vide Exh.12 for grant of bail is liable to be allowed and I proceed to pass the following order.

ORDER

1. Application vide Exh.12 for grant of regular bail is hereby allowed.
2. Accused No.2 Vaibhav @ Gotya Rajabhau Tarange, R/o. Uruli Kanchan, Pune, arrested in C.R. No.454/2022 registered with Police Station Sinhagad Road, Pune, for the offences punishable under Sections 307, 323, 504, 506 & 427 r/w. 34 of the Indian Penal Code, Sections 37(1)(3) r/w.135 of Maharashtra Police Act and Sections 4 r/w. 25 of Arms Act, be enlarged on bail on execution of P R. Bond of Rs.25,000/- and Surety Bond of like amount with one or two sureties on following conditions.

i] Accused No.2 shall not contact the informant/injured. He shall not pressurise or threaten the informant and witnesses in any mode or manner till the conclusion of trial.

ii] Accused No. 2 shall attend the Court proceeding on due dates.

Pune.
Date : 27.04.2023

(D. P Ragit)
Additional Sessions Judge-15,
Pune.

CERTIFICATE

I affirm that the contents of PDF file Judgment are same word for word as per original Judgment.

Name of Steno : Shri. M. R. Pawar, Steno (Grade-III)

Court name : Shri. D. P. Ragit
District Judge-15 and
Additional Sessions Judge,
Shivajinagar, Pune.

Date : 27/04/2023

Order signed by : 27/04/2023
Presiding Officer on

Order uploaded on : 28/04/2023