

Vishal Mane & Ors.
Vs.

State of Maharashtra

: Common Order below Exh. 03, 09 and 12:

(Dated 20th September 2023)

The accused No.2 Samuel @ Gotya Suresh Jadhav, accused No.3 Chetan Popat Kamble and accused No.4 Prathamesh Vishwanath Mohare have taken out bail applications U/s.439 (Exh.3, 9 and 12 respectively) of the Cr.P.C. for grant of regular bail, in connection with Crime No.637/2022, registered with Baramati City Police Station, for the offences punishable U/Ss.395, 397, 307 of the IPC, U/s.4(25) of Indian Arms Act and Section 37(1) and (3) of Maharashtra Police Act.

02 Essential allegations in the FIR dated 18.12.2022 are that, informant Vikram Pawar is serving at Saraf Petrol Pump, Baramati. On 17.12.2022 at 06:15 pm he was discharging his duty at petrol pump then, accused No.1 Vishal Mane with Yash Mohite came on Honda Shine Vehicle, followed by accused No.3 Chetan Kamble, No.4 Prathamesh Mohare and No.2 Samuel @ Gotya on black colour motorcycle. Yash Mohite who has informant to fill petrol of Rs.1000/-. Therefore, informant release the petrol of said amount. Accused No.3 Chetan Kamble also told informant to fill petrol of Rs.1000/- so, informant filled petrol of said amount. Informant demanded Rs.1000/- to accused No.1 Vishal Mane then, he gave jerk to the informant and fled away. Accused No.3 Chetan and No.4 Prathamesh also tried to flee away. Informant obstructed said accused Nos.3 and 4 and demanded money from them. Accused No.3 Chetan Kamble told informant that how dare you to ask money from Bhai of Baramati. Accused No.1

Vishal Mane and accused No.2 Samuel @ Gotya returned on the spot. Ganesh Chandgude was trying to pursue the said accused to pay the money of informant. Then, Yash Mohite took out sickle from his shirt and raised it on the person of informant but, informant succeeded to evade the said blow. Ganesh Chandgude tried to intervene then, accused Samuel @ Gotya raised the sickle to assault Ganesh Chandgude, but he prevented said blow by putting his hand then, said blow was hit on hand of the Ganesh Chandgude. The other shop owners gathered there then, accused No.4 Prathamesh Mohare and accused No.3 Chetan Kamble took out the weapons and flying in the air to terrorize said people. Thereafter, all the said accused fled away from the spot. Informant lodged the FIR of the incident. Based on which, Crime No.637/2022, came to be registered with Baramati City Police Station, for the offences punishable U/Ss.395, 397, 307 of the IPC, U/s.4(25) of Indian Arms Act and Section 37(1) and (3) of Maharashtra Police Act against accused.

03 Heard Ld. Advocate Shri.D.J.Mane for accused No.2 and 3 and Shri.P.B.Khartude for the accused No.4 and Ld. A.P.P. Shri. Navale. Read the applications (Exh.3, 9 and 12) and say thereon. Perused documents on record with charge-sheet.

04 Ld. Advocate for the applicants/accused submitted that, the investigation is completed followed by filing of charge-sheet therefore, further custody of accused does not warranted. That the injured had sustained simple injuries and he is already discharged. There are no allegations in the F.I.R. to make out prima facie case for offence of dacoity. That accused are permanent resident of Baramati.

That accused are ready to abide by any conditions imposed by this Court therefore, accused are released on bail.

05 On the contrary, Ld. APP resisted the application. He submitted that offence alleged is serious in nature. That if the applicants are released on bail, possibility of tampering of evidence and hampering of investigation can not be ruled out. With these amongst other submission he prayed to reject the application.

06 Here it is pertinent to note that the investigation is completed and charge-sheet is filed in the Court. More so, the documents shows that the injured sustained simple injuries and he is already discharged from the hospital. More so, the accused are in jail from last more than 09 months. Therefore, their further custody does not warranted. The accused are appears to be resident of Baramati, so their presence seems to be secured for trial. More so, trial will take its own time so, it is not just to keep the accused in jail for indefinite period. Therefore, accused are entitled to be released on bail. Hence, the order:-

ORDER

- 01.** Applications (Exh.03, 09 and 12) are allowed.
- 02.** Applicant/accused No.2 **Samuel @ Gotya Suresh Jadhav, accused No.3 Chetan Popat Kamble and accused No.4 Prathamesh Vishwanath Mohare,** all R/o- Baramati, Tal. Baramati, Dist. Pune in **Crime No.637/2022,** registered with **Baramati City Police Station,** for the offences punishable **U/Ss.395, 397, 307 of the IPC, U/s.4(25) of Indian Arms Act and Section 37(1) and (3) of Maharashtra Police Act,** be released

on P.B. of **Rs.75,000/- each**, along with one solvent surety in the like amount, on the condition that:-

- a) They shall attend the trial on each and every date without fail.
- b) They 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 him from disclosing such facts to the court or to any police Officer.
- c) They shall not threaten the prosecution witnesses and victim.
- d) They shall furnish their address and contact numbers.
- e) They shall not indulge in any criminal activities
- f) They shall not leave India without permission of the Court.
- g) They shall comply with Chapter I paragraphs 1 to 6 of the Criminal Manual 1980. (In view of order of the Hon'ble High Court passed in Criminal Application No.28 of 2010 in Public Interest Litigation No.25 of 2010 on January 29, 2020.

Date : 20.09.2023

(J.A.Shaikh)
Addl. Sessions Judge, Baramati.

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno.	:-	Jagadish N. Kanki (Steno Grade-II)
Court Name	:-	J.A. Shaikh Additional Sessions Judge, Baramati
Date	:-	20.09.2023
order signed by P.O. on	:-	20.09.2023
order uploaded on	:-	21.09.2023