

Vishal Mane & Ors.**Vs.****State of Maharashtra****: Order below Exh. 29**(Dated 1st November 2023)

The accused No.5 **Chirag Naresh Gupta** has taken out bail application U/s.439 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. On 18.22.2022 informant made supplementary statement wherein he stated that accused no.5 Chirag Gupta was armed with sickle and he rushed on his person so he fled away from there. 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 no.1 to 5.

03 Heard Ld. Advocate Shri.Ganesh Londhe for accused No.5 and Ld. A.P.P. Shri. Shingade. Read the application and say Exh.30 thereon. Perused documents on record with charge-sheet.

04 Ld. Advocate for the applicant/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. That accused is not named in the FIR. That no role is attributed against accused. That accused is permanent resident of Baramati. That accused is ready to abide by any conditions imposed by this Court therefore, accused is released on bail.

05 On the contrary, Ld. APP resisted the application. He submitted that offence alleged is serious in nature. That if the accused is released on bail, possibility of tampering of evidence 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, perusal of FIR would show that present accused is not named in it. More so, in supplementary statement it is alleged by the informant that said accused was armed with sickle and rushed on his person. There is no allegation that present accused no.5 committed overtact whereby he assaulted informant or any other witness, therefore, considering the nature of allegation against present accused coupled with the fact that the accused is in jail from last more than 10 months, his further custody does not warranted. The accused is appears to be resident of Baramati, so his 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.** Application (Exh.29) is allowed.
- 02.** Applicant/accused No.6 **Chirag Naresh Gupta** 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/-, along with one solvent surety in the like amount, on the condition that:-
 - a)** He shall attend the trial on each and every date without fail.
 - b)** He 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) He shall not threat the prosecution witnesses and victim.
- d) He shall furnish his address and contact numbers.
- e) He shall not indulge in any criminal activities
- f) He shall not leave India without permission of the Court.
- g) He 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 : 01.11.2023

(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.	:-	B.R.Jakka (Steno Grade-I)
Court Name	:-	J.A. Shaikh Additional Sessions Judge, Baramati
Date	:-	01.11.2023
order signed by P.O. on	:-	01.11.2023
order uploaded on	:-	01.11.2023