

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3256 OF 2019

Vijay Bhimrao Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Priyal G. Sarda, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 17th February, 2020

PC :

1. The applicant is seeking bail in C.R. No. 422 of 2014 registered with Indapur Police Station, Dist. Pune for offences punishable under Section 302, 324, 506 r/w Section 34 of Indian Penal Code.

2. The prosecution case is that on 19th December, 2014 co-accused Bhavdya Bhimrao Pawar had abused and assaulted Kiran. The complainant and his father Mahadev Pawar had approached accused Bhavdya Pawar on 20th December, 2014. He was questioned as to why he assaulted Kiran. Bhavdya Pawar and his brother Vijay Pawar (applicant) assaulted complainant and his father. Bhavdya Pawar had assaulted by wooden stick above right eye of the complainant. The accused then assaulted Mahadev by wooden stick

on his hand, leg, head and abdomen. He was taken to hospital. He was declared dead. The complainant had sustained CLW over right eye. The deceased had sustained injuries in the nature of CLW contusion and abrasion.

3. Learned advocate for the applicant submitted that there was no intention to commit murder. The complainant and his father had approached the co-accused to question him about previous incident. The incident in question had occurred at the spur of moment. Co-accused Bhavadya Pawar was granted bail by the Sessions Court. The case of the applicant is similar. On parity the applicant be granted bail. There are no criminal antecedents against the applicant.

4. Learned APP submitted that the applicant was instrumental in assaulting the deceased and causing his death. He was absconding for four years. He was arrested after bail was granted to the co-accused. Specific overt act has been attributed to the applicant.

5. On perusal of the FIR, it is apparent that the incident had occurred when the complainant and his father approached co-accused for questioning him about the incident of assaulting Kiran. During the quarrel, the accused had assaulted complainant and his father by wooden stick. The accused are brothers. The co-accused has been granted bail by the Sessions Court. The applicant was

arrested after a period of four years. After arrest he is in custody for a period of about one and half year. Considering the factual matrix of this case, bail can be granted to the applicant.

6. Hence, I pass the following order :-

ORDER

- i) Bail Application No.3236 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 422 of 2014 registered with Indapur Police Station, Dist. Pune on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 11.00 a.m. to 1.00 p.m.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)