

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.153 OF 2021

Kishor Hari Sawant .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Vaibhav Kulkarni with Mr. Ajinkya Kamble i/b Avirat Legal LLP for the Applicant.

Ms. Veera Shinde, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 22ND MARCH, 2021.

P.C:-

1. The Applicant is charge-sheeted in C.R. No.626 of 2019 registered with Pimpri Police Station under Sections 363, 364A, 384 read with Section 34 of the IPC.

2. Apart from the merits of the case and the Applicant being incarcerated from 15/05/2019, he also seeks his release on bail on the ground of parity with Rahul Awasarmal along with

AJN

Ganesh Mole and Siddharth Bhure, who have been released on bail by this court whereas, another co-accused Samadhan Khaire has been released on bail by the Sessions Court and the submission of learned counsel for the Applicant is to the effect that the role assigned to him by the Complainant and also by the victim Yadnesh Tilwa, whose statement is recorded on 15/05/2019, is not larger than the one attributed to the said accused persons.

3. The case of the prosecution which could be discerned from the complaint filed by the wife of the victim, Swati Yadnesh Tilwa and from the statement of the victim recorded on 15/05/2019 is that the date of the incident is 13/05/2019 and it is on this day, the victim had been to the hospital for treatment as he was feeling restlessness and also suffering from stomach ache. When he was present in the hospital known as 'Shraddha Lab', he received a phone call from the present Applicant, Kishor Hari Sawant, who was insisting on meeting him. The victim informed him that he is not feeling well and on the next day, he is likely to visit a doctor at Pimpri. Thereafter, when he visited his doctor at Pimpri, there were many patients and, resultantly, he was made to wait. The Applicant was spotted by him in the parking slot and he was accompanied by Samadhan Khaire and 2 to 3 other persons. The Applicant made enquiries about his health and expressed his desire to have a talk with him by meeting at a particular destination. After consulting the doctor,

the victim asked his wife and daughter to go home and he accompanied the Applicant, Kishor Hari Sawant and his friend and they went to Sagar Hotel and there, some discussions took place between them. At that time, he received a phone call and he came out of the hotel. While he was conversing on his mobile, a Toyota Altis vehicle arrived at the spot and the other accused persons Dilip and Rahul alighted from the said vehicle and insisted him for getting inside. When he resisted, he was forcibly made to sit in the vehicle and when he raised an alarm, nobody came forwarded to rescue him. The other incident is about the manner in which he was escorted in the vehicle and about the money being demanded, which does not, in any case, involve the present Applicant as per the Complainant's version recorded on 15/05/2019.

4. On 05/03/2020, Siddharth Bhure is released on bail by this court by recording as under:

“5. I have perused the statement of witnesses, complainant and victim. It is apparent that there were transactions between the co-accused and the victim. Accused was demanded money. The applicant had no conversation with the co-accused or his relatives. He was accompanying the co-accused in the vehicle as driver of the vehicle. He has not given any threats to complainant or relatives and there is nothing to infer that he was conspirator to commit the offence. The

applicant is in custody from the date of arrest. There are no criminal antecedents against him. Hence, case for grant of bail is made out.”

5. Similarly, by an order dated 25/11/2020, considering the role attributed to him, Ganesh Mole was also released on bail. So is the case of Rahul. A perusal of the entire material contained in the charge-sheet and on consideration of the fact that the investigation is complete and the charge-sheet has already been filed, in my considered opinion, the Applicant need not be incarcerated any further and he deserves to be released on bail on the following conditions:

:ORDER:

- (a) The Applicant – Kishor Hari Sawant shall be released on bail in C.R. No.626 of 2019 registered with Pimpri Police Station on executing P.R. bond in the sum of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

- (c) The Applicants shall mark his attendance in the Pimpri Police Station once in a month on every first Saturday between 11.00 a.m. and 01.00 p.m.

6. The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J.