

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3858 OF 2021

Rohit Dipak Pawar	..	Applicant.
v/s.		
The State of Maharashtra	..	Respondent.

Mr. Vikas B. Shivarkar, for the Applicant.
Mr. A. A. Palkar, APP for the Respondent-State.

CORAM: VINAY JOSHI, J.
DATED : 21st APRIL, 2022.

P. C.:

The applicant is seeking regular bail in Crime No.213 of 2021 registered with Malshiras Police Station, District Solapur for the offence punishable under Section 302, 307 read with 34 of Indian Penal Code under Section 4, 25 of the Arms Act 1959 and Section 135 of the Maharashtra Police Act, 1951.

2 Besides, usual grounds, the applicant is claiming bail by stating that his name has been falsely implicated in the crime after 15 days. There is no material against the applicant to show his complicity. The State resisted bail by producing investigation papers. Having regard to the seriousness of crime, bail is resisted.

3 At the instance of report lodged by mother of deceased, crime was registered. Informant is not the eye witness to the occurrence. The prosecution case rests on the sole eye witness namely – Tanaji. It has come in the statement of Tanaji that on the date of incident, he along with deceased – Pavan went to buy some

eatables. While they were passing from the side of Treasury office of Malshiras, they were accosted by two co-accused namely – Nagesh and Sunny who were accompanied with two unknown persons. He stated that initially Nagesh and Sunny assaulted the deceased by means of sword. He was also assaulted by Sunny by means of sword. He further stated that tow unknown persons also beated deceased. Since there were two unknown assailants, later on applicants were came to be arrested. It reveals from police papers that, first time complicity of applicant was revealed after 15 days in supplementary statement dated 27th May, 2021. Witness has merely stated that he learnt the names of unknown assailants later on.

4 Besides that there is no other material against the applicant. Neither, prior T. I. parade was conducted nor anything was seized at the instance of applicant. Investigation is complete and the charge-sheet has been filed. Trial will take considerable time for its conclusion. Having regard to all above facts, the applicant has made out a case for grant of bail. Hence, following order:-

ORDER

- (i) The Applicant/ accused Rohit Dipak Pawar is released on bail in connection with the Crime No. 213 of 2021 registered at Malshiras Police Station, District. Solapur, for the offence punishable under Sections 302, 307 read with 34 of Indian Penal Code under Section 4, 25 of the Arms Act 1959 and Section 135 of the Maharashtra Police Act, 1951, on his furnishing P. R. bond of Rs.25,000/- with one or two sureties in the like amount.

- (ii) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not temper with the prosecution evidence.
- (iii) The applicant shall inform his residential address and contact number to the Investigating Officer of the concerned Police Station.

(VINAY JOSHI, J.)