

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

BAIL APPLICATION NO. 3024 OF 2022

Mayur @ Sonya Maruti Kachare	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Rahul K. Dhaigude for the Applicant.
Mr. A.A. Palkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 22nd NOVEMBER, 2022.

P. C. :-

1. This is an Application under section 439 of Criminal Procedure Code (Cr.P.C.) filed by the aforesaid Applicant who is facing trial in Sessions Case No.148/2022 pending on the file of Sessions Court, Satara for offences punishable under sections 367, 326, 324, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Bhiva Aaba Shinde, the brother of the deceased – Dhula Aaba Shinde. It is the case of the prosecution that in the year 2018, Dhiraj Mane approached the deceased to work as a driver on a harvesting machine. Dhula had engaged 04 to 05 persons as labourers. It is stated that he had agreed to do the work for two

months for the season 2018-19. It is stated that Dhiraj Mane used to abuse the deceased and the labourers. Hence, they returned to their native place. Said Dhiraj Mane had paid advance of Rs.4,50,000/- to the deceased Dhula and other labourers. The co-accused Dhiraj Mane had kept tractors and trolley as security of repayment of the balance amount.

3. It is stated that on 04/06/2022, when Dhula and Popat Kale were proceeding towards Satara, the co-accused Dhiraj Mane and four others forcibly dragged him into the car and took them to an unknown place and assaulted them by fist blows, sticks, bear bottles, etc. Said Dhula sustained injuries in the said incident and was admitted to the hospital. His statement was recorded. The injured Dhula had not implicated the co-accused Dhiraj Mane. He had not identified the other assailants. The two other witnesses – Vikas and Popat Kale had also not identified the Applicant as one of the assailants. There is no other circumstantial evidence to link the Applicant with the said crime.

4. It is stated that the case is committed to the Court of Sessions. However, charge is not yet framed. Considering the huge pendency, there is no possibility of the trial to commence in immediate future.

Considering the above facts and circumstances, in my considered view, this is a fit case for grant of bail. Hence, the Application is allowed on the following terms and conditions :-

- (i) The Applicant who is facing trial in Sessions Case No.148/2022 arising from C.R.No.146/2022 registered with Bhuij Police Station, Satara is ordered to be released on bail on furnishing P.R. bonds in the sum of Rs.30,000/- with one or two solvent sureties in the like amount ;
- (ii) The Applicant shall report to the Investigating Officer of Bhuij Police Station, Satara once in two months on every 1st Monday between 11.00 a.m. to 02.00 p.m. until further orders ;
- (iii) The Applicant shall not interfere with the complainant and the other prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change

of residence or mobile details, if any, from time to time.

- (v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

5. Bail Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)