

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

BAIL APPLICATION NO.3088 OF 2021

**PRIYA
RAJESH
SOPARKAR**

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Mr.Umar Sharfuddin Pansare

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Vipin Bidkar, Advocate for the Applicant.

Mr.A.A.Palkar, APP for the Respondent.

**CORAM : VINAY JOSHI, J.
DATE : 26th APRIL, 2022.**

P.C.:-

1. The applicant is seeking regular bail in Crime No.1853 of 2020 registered at Yerwada Police Station for the offences punishable under Sections 302, 324 r/w 34 of the Indian Penal Code.

2. Besides usual grounds, it is canvassed that the role assigned to the applicant is only assaulting by means of hollow plastic pipe. According to applicant, there was no intention to kill, at the most it would be offence punishable under Section 304 of the Indian Penal Code. The State resisted bail by contending that there are three eye witnesses to the occurrence. Plastic pipe was seized from the place of incident. The offence is serious and therefore, prayed for rejection.

3. It is prosecution case that there was a quarrel on flimsy reason in between some boys of the vicinity. The informant stated that sometime prior to the occurrence co-accused Dayanand slapped to deceased Faiyaz on which the deceased also beat Dayanand by means of shoes. The occurrence is reflection of said earlier quarrel.

After some time applicant and co-accused had quarrel with deceased in which applicant beat deceased by means of plastic pipe whilst remaining two co-accused beat him by means of shoes. The statements of eye witnesses also says that due to beating of stone by co-accused deceased sustained bleeding injury. Injured Atul stated that applicant also beat him by pipe on which he ran away.

4. Perusal of PM note discloses that there are no contusions. The death is caused due to head injury. Besides one lacerated injury all were abrasions on the person of deceased. The allegation of beating by stone at head is against co-accused. Seizure memo discloses that it was a hollow plastic pipe having 3 cm. diameter only. Already investigation is complete and charge-sheet has been filed. The applicant is in jail since near about last 3 years. Trial will take considerable time for its disposal. There are no criminal antecedents against the applicant. In the circumstances, the applicant can be released on bail by putting him on certain terms. Hence, following order:-

(a) The Bail Application stands allowed.

(b) The Applicant/accused Umar Sharfuddin Pansare is released on bail in connection with the Crime No.1853 of 2020 registered at Yerwada Police Station for the offences punishable under Sections 302, 324 r/w 34 of the Indian Penal Code, on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

(c) 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 tamper with the prosecution evidence.

(d) The applicant shall not enter within the territorial jurisdiction of Yerwada Police Station, Pune till conclusion of trial.

(e) The Application stands disposed in above terms.

(VINAY JOSHI, J.)

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