

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

CRIMINAL BAIL APPLICATION NO.4059 OF 2021

Sharad Dnyandeo Pawar	...Applicant
Vs.	
The State of Maharashtra	... Respondent

**WITH
INTERIM APPLICATION NO.190 OF 2022
IN
CRIMINAL BAIL APPLICATION NO.4059 OF 2021**

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Rajkumar Vasantrao Jadhav	...Applicant
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IN THE MATTER BETWEEN

Sharad Dnyandeo Pawar	...Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr.Sanjeev Kadam a/w Mr.Ranjeet M. Pawar for the Applicant.
Ms.J.S. Lohokare, APP for the Respondent-State.
Mr.Shriram S. Chaudhari for the Intervenor.

CORAM : C.V. BHADANG, J.

DATE : 28 MARCH 2022

P.C.

. The Applicant has been charge-sheeted with the co-accused for the offence, punishable under Section 302, 201 and 120B read with Section 34 of the Indian Penal Code, arising out of Crime No.644 of 2021 registered with Indapur Police Station, District-Pune.

2. I have heard learned counsel for the parties. Perused record.

3. The aforesaid crime is registered on the basis of the complaint dated 11 July 2021 lodged by Rajkumar Jadhav who is brother-in-law of the deceased Prabhakar Pawar. During the investigation the offence under Section 120B of IPC was added on 26 July 2021.

4. A perusal of the statement of Ramesh Trimbak Madake, who is stated to be an eye witness shows that on 10 July 2021 at about 7.30 p.m., he was returning to his house from the road leading to Aghoti No.1, Taluka-Indapur, District-Pune. He found that the white colour Honda Amaze Car bearing No.MH-12-LV-9491 of the deceased Prabhakar was parked near field of Sanjay Avtade. He therefore stopped his motorcycle and found that there was no occupant in the said car. However, he heard shouts coming from the banana crop in the field of Avtade. Ramesh Madake therefore, went in the field and witnessed that the co-accused Dyndeo Pawar and Sudhir Pawar were throttling the deceased.

5. The learned Sessions Judge has refused to release the Applicant on bail.

6. It transpires during the course of the hearing that there was a dispute between the deceased and his brother Dyndeo Pawar (father of the Applicant) which according to the prosecution is a motive for commission of the offence. The allegation insofar as the present Applicant is concerned is that he was part of the conspiracy to eliminate the deceased.

7. The learned counsel for the Applicant pointed out that the Call Data Record (CDR) of the Applicant shows that he was at Pune at or around the time of the incident. He submitted that except the CDR in which the Applicant was found to be in contact with his father Dyndeo Pawar, there is no other material to show the conspiracy.

8. The learned Additional Public Prosecutor assisted by the learned counsel for the complainant-intervenor states that the Applicant although not present on the spot, is found to be in contact with the co-accused Dyndeo Pawar at or around the time of the incident. The learned Additional Public Prosecutor has pointed out that subsequent to the incident there is no call.

9. I have considered the circumstances and the submissions made. It can be seen that the alleged eye witness Ramesh Madake does not name the present Applicant as one of the persons involved in the act of throttling the deceased. The

case of the prosecution, essentially is that the Applicant was party to the conspiracy, which is tried to be shown on the basis of the fact that the Applicant was in contact with co-accused Dyndeo who is his father. It can be seen that there is nothing unusual if the Applicant was in contact with his father. The investigation in this case is complete and the charge-sheet is filed. There is no recovery, much less of any incriminating article from the Applicant.

10. In that view of the matter, the following order is passed.

ORDER

(i) The applicant-Sharad Dnyandeo Pawar be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.

(ii) The applicant shall undertake to remain present before the learned Sessions Judge during the trial, unless exempted.

(iii) The applicant shall not tamper with the prosecution evidence/witnesses.

(iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(v) The bail bonds to be furnished before the learned Sessions Judge.

(vi) The Criminal Application is disposed of in the aforesaid terms.

(vii) The Interim Application for intervention is also disposed of.

C.V. BHADANG, J.