

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 908 OF 2022**

Kapil Krishna Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Ashok Mundargi, Senior Advocate a/w Mr. Umesh Mankapure a/w
Ms Rui Danawala for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 1 MARCH 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 553 of 2020 registered at Islampur Police Station, Sangli for the offences punishable under Sections 302, 143 147, 148, 323, 504, 506, 120-B, 188, 269, 270, 290, 291 read with 149 of Indian Penal Code, Section 51(kh) of Disaster Management Act, Rule 11 of Covid-19 Rules, Section 142 of Maharashtra Police Act and Sections 3(1)(i),(ii), 3(2), 3(3), 3(4), 3(5) of Maharashtra Control of Organized Crime Act.

3. I have heard the learned senior counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, the co-accused Ajit Patil was running organised crime syndicate. It is alleged that the co-accused Ajit Patil was

asking the deceased to work for his gang, however, as he was refusing to work for his gang, dispute took place between them on 28 June 2020. It is alleged that thus conspiracy was hatched to kill the deceased and pursuant to the said conspiracy on 29 June 2021, the present applicant and other co-accused committed the murder of the deceased by assaulting him by sharp weapons.

5. It appears that before filing of charge-sheet, the complainant, who is an eye-witness to the incident and is also relative of the deceased had filed an application dated 30 November 2020 before the Special Court, wherein he had stated thus:

“That the Islampur police has arrested Kapil Krishna Pawar (applicant) and Santosh Bimrao Kolekar booking them as unknown accused in the said offence. That these two accused are residents of Islampur and they are residing there since their birth. That these two accused i.e. accused number 4 and 5 by name Kapil Krishna Pawar and Santosh Bimrao Kolekar are resident of the same vicinity of the complainant and they are well acquainted and conversant with each other. In fact above accused number 4 and 5 are friends of the deceased and the complainant and they were not unknown to them. That the said accused came on the spot when they came to know about the said incident and they followed the complainant injured and others to Aadhar hospital.”

6. Apart from it, there is no reference of the present applicant in a statement of the witnesses recorded under Section 164 of Cr.P.C. Considering the overall facts and circumstances, I am inclined to release

the applicant on bail. Hence, the following order is passed:

- (i) The Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 553 of 2020 registered at Islampur Police Station, Sangli for the offences punishable under Sections 302, 143 147, 148, 323, 504, 506, 120-B, 188, 269, 270, 290, 291 read with 149 of Indian Penal Code, Section 51(kh) of Disaster Management Act, Rule 11 of Covid-19 Rules, Section 142 of Maharashtra Police Act and Sections 3(1)(i),(ii), 3(2), 3(3), 3(4), 3(5) of Maharashtra Control of Organized Crime Act on furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not enter into the limits of Walva Taluka Dist. Sangli till conclusion of the trial.
- (iv) The applicant shall attend the concerned police station within whose jurisdiction he is going to reside after his release once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)