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

BAIL APPLICATION NO.1247 OF 2023

ABHIJEET MOTIRAM PAWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Priyal G. Sarda for the applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 5, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 143, 147, 148, 149, 307, 323, 324, 504, 506 of the Indian Penal Code (hereafter 'IPC' for short), under Section 3(25) of Arms Act and under Section 135 of Maharashtra Police Act registered on 24.09.2019 vide C.R. No.620 of 2019 with Vijapur Naka Police Station, Solapur.

3. The incident is dated 24.09.2019. There are in all eighteen accused. The applicant is the accused no.11. The

accused Nos.5, 6, 7, 8, 9, 11, 12, 13, 14 and 15 are enlarged on bail. It is alleged that the first informant and his cousins were proceeding towards their home. The accused came on motorcycles in front of rickshaw in which the first informant and other persons were traveling. It is alleged that the accused – Rohit Pawar assaulted the first informant with fighter and at the same time the other co-accused including the applicant came with different weapons in their hands and assaulted the first informant and his brothers with fists and kicks. The co-accused – Prasad has assaulted Sagar with the help of sword and others have assaulted the injured witnesses with iron rods. The role against the applicant is that he assaulted Sukhubai with hands and damaged the window and door. The applicant surrendered on 16.01.2023.

4. Learned APP while opposing the application for bail submitted that considering the role of the applicant, the applicant should not be enlarged on bail.

5. I have gone through the statements of the witnesses. It appears that there are no specific allegations of assault

as against the present applicant. The injury certificate of Sukhubai is not on record. There is nothing on record to indicate that Sukhubai suffered an injury. The applicant is in custody for more than seven months. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The trial is likely to take a long time to conclude. Since the co-accused who were similarly situated as the present applicant have been enlarged on bail, even the present applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Abhijeet Motiram Pawar in connection with C.R. No.620 of 2019 registered with Vijapur Naka Police Station, Solapur shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Vijapur Naka Police Station, Solapur once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)