



PMB

46. BA 1366-23.doc

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

BAIL APPLICATION NO.1366 OF 2023

PRASAD MOTIRAM PAWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Priyal G. Sarda for the applicant.

Mr. N. B. Patil, APP for the State.

PSI G. M. Valmiki, Vijapur Naka Police Station, Solapur.

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.10. The applicant surrendered on 16.01.2023.

4. Learned APP opposed the application for bail contending that the injury suffered is serious. It is alleged that the accused stopped the auto rickshaw in which the first informant and his cousin brothers were traveling. The accused assaulted the first informant and his cousin brothers. The role attributed to the present applicant is that he was carrying a sword and assaulted the injured witness Sagar on his head. The injury certificate on record reveals that Sagar refused to take treatment against the medical advice. Prima facie from the injury reflected in the medical certificate it appears that the injury is simple in nature. It is also pertinent to mention that the first informant, on the basis of the video shooting of the incident, later stated that due to some misconception he mentioned that the applicant was carrying a sword. Such a sword has not been recovered. The applicant surrendered on 16.01.2023 and now 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. However, some conditions need to be imposed taking an overall view of the accusations. In the facts and circumstances of the present case, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Prasad 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.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Vijapur Naka Police Station, Solapur after being released on bail till further orders of the trial Court.

5. The application is disposed of.

(M. S. KARNIK, J.)