

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

BAIL APPLICATION NO. 2286 OF 2023

Karan Popat Yewale	...Applicant
vs.	
The State of Maharashtra	...Respondents

Mr. Umesh H. Pawar - Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 12th DECEMBER, 2023

P. C. :-

1. Heard learned Advocate Shri Pawar for the Applicant and learned APP for Respondent-State.
2. It is true that when this Applicant alongwith co-accused Vaishali has filed Bail Application No. 3731 of 2022, this Applicant has withdrawn the bail application. It was disposed of. Liberty was granted to move after six months. Order is on page no. 312. Whereas Vaishali was granted regular bail.
3. When it is contended that role of the Vaishali and present Applicant is similar, learned APP rightly pointed out the observations in para no. 10 of the said order. She was granted bail as she being a woman.

4. Learned Advocate Mr. Pawar tried his level best to convince me about inconsistencies in oral and medical evidence and absence of the blood stains on stick, when it was examined by the Doctor. The opinion is on page no. 78. He invited my attention to the averment in the F.I.R. on one hand and statement of the first informant recorded under Section 164 on page no. 166 on other hand. According to him, there is variance, so to say that in F.I.R. specific role is assigned to this Applicant whereas it is not there in 164 Statement.

5. It is also submitted that as per the Post mortem report on page no. 62, there are corresponding injuries which can not be caused due to seized stick and measurement of the stick is very small. I have read the contents of the F.I.R., it is filed by mother of the deceased-Krishnabai on 28/04/2022. The incident took place on 27/04/2022 at 7.30 p.m.. She has witnessed the incident.

6. Her son deceased-Vishal married to one Pratiksha. The present Applicant and co-accused are the relatives of the Pratiksha. There is matrimonial dispute in between deceased-Vishal and Pratiksha. Both are not cohabiting with each other. The accused persons told Vishal that Pratiksha will not join his company. In the F.I.R. following are the accused mentioned and

their respective roles :-

- (i) Accused Vandana - stabbed with the help of knife.
- (ii) Accused Vaishali and Karan beat him with the help of stick (Vaishali granted bail)
- (iii) Popat and Manoj beat deceased with the help of iron rod

7. This is not the stage to go into appreciation of the evidence, it can be done at the time of the trial. On the point of the involvement and material, I am not inclined to grant bail to the Applicant but the only factor which makes weighs my mind is his young age. He is 19 years old and not having any antecedents. He has good future. So let him be released on bail.

8. Hence following Order:-

ORDER

- (i) Bail application is allowed.
- (ii) The Applicant – Karan Popat Yewale be released on bail on furnishing Personal bond and Surety bond in sum of Rs. 25,000/-.
- (iii) He is directed not to enter Taluka Khatav, District Satara till conclusion of the trial.
- (iv) Applicant to give his alternate residence address to

the Police and Court.

(v) Applicant not to threaten the prosecution witnesses.

(vi) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail.

9. Bail application is disposed of in the aforesaid terms.

10. Parties to act on an authenticated copy of this Order.

11. It is made clear that the these are my *prima facie* observations and the trial Court shall decide the case on its own merits without influenced by the observations made in this order.

[S. M. MODAK, J.]