



PMB

41.ba.317-23.odt

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

BAIL APPLICATION NO.317 OF 2023

SAHIL ALIAS PINTYA GURUNATH BANGAR ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. R. D. Suryawanshi i/b. Mr. Suraj N. Naik for the
applicant.

Ms. Veera Shinde, APP for the State.

PSI M. B. Kapile, Kalyan Taluka Police Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 11, 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 302, 326, 323, 504 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 27.02.2020 vide C.R. No.107 of 2020 with Kalyan Taluka Police Station.
- 3.** The applicant was arrested on 02.03.2020. It is the prosecution case that due to previous enmity the applicant

along with other co-accused assaulted the deceased. The complainant along with his aunt had gone to the Talathi's office on 27.02.2020. The present applicant who is accused No.1 gave one blow with his bat on the forehead and one blow on the arm of the deceased. The deceased was taken to the hospital. The victim died on 02.03.2020 almost five days after admission.

4. Learend APP opposed the application and submitted that the accusations are serious. It is submitted that there is an eye witness to the incident who has attributed the main role to the applicant. The cause of death is due to head injury.

5. Learned counsel for the applicant on instructions submitted that the applicant will stay in Bhiwandi Taluka and will not enter in Kalyan Taluka. The statement is accepted.

6. I have gone through the post mortem notes. The applicant is in custody for three years and six months. It is the contention of learned counsel for the applicant that the Hon'ble Supreme Court has enlarged the co-accused on bail

on the ground of long incarceration. However, the applicant may not be able to parity with the co-accused who is enlarged considering his role. Considering the nature of the accusations against the applicant, prima facie it appears that it may not be the intention of the applicant to commit the murder. This alongwith the incarceration of the applicant pre-trial for three years and six months are factors which persuade me to exercise discretion in favour of the applicant for enlarging him on bail. These are prima facie observations not to influence the trial. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The trial may take long time to conclude. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Sahil alias Pintya Gurunath Bangar in connection with C.R. No.107 of 2020 registered with Kalyan Taluka Police Station 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 Kalyan Taluka Police Station 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 Kalyan Taluka Police Station after being released on bail, till the trial concludes.

7. The application is disposed of.

(M. S. KARNIK, J.)