

AGK

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

BAIL APPLICATION NO.494 OF 2023

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Ravi Bhaskar Pawar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Priyal G. Sarda for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 20, 2023

PC.:

1. This is an application under Section 439 of the Criminal Procedure Code, 1973 seeking bail in connection with C.R. No.241 of 2019 registered with Jejuri Police Station, Pune for the offences punishable under Sections 302, 307, 323 and 504 of the Indian Penal Code, 1860.

2. According to prosecution, wife of the applicant lodged a report alleging that on 22 July 2019 around 3.00 p.m. the applicant had a quarrel with the informant. During the said quarrel, the applicant assaulted the informant. Her brother intervened. Due to his intervention, the applicant assaulted him by wooden rod hitting on his head. Due to the said injury on head and chest, it resulted in death of the informant's brother.

3. The applicant filed bail application under Section 439 before the learned Sessions Judge which came to be rejected by order dated 3 March 2022. The applicant, therefore, filed present bail application.

4. On perusal of the charge-sheet, it appears that the applicant was arrested on 23 July 2019. The applicant is in jail. On perusal of the material, it prima facie appears that the incident is not pre-meditated. The applicant has no criminal antecedents.

5. Considering the nature of assault alleged against the applicant and considering the fact that charges were framed in 2020 and trial is unlikely to be completed in near future and the applicant is in jail for more than three years, the applicant deserves to be released on bail. Hence, following order:

- a) The applicant be released on bail in connection with C.R. No.241 of 2019 registered with Jejuri Police Station, Pune for the offences punishable under Sections 302, 307, 323 and 504 of the Indian Penal Code, 1860 on furnishing P.R. Bond in the amount of Rs.25,000/- with one or two sureties in the like amount;
- b) The applicant shall mark his presence before the concerned police station on first Saturday of each month till conclusion of the trial;
- c) The applicant shall remain present before the Trial Court on each and every date unless specifically exempted by the Court;

d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court;

6. The bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)

Note: This order is modified as per order dated 3 August 2023 to substitute paragraph 5(a).