

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.617 OF 2023**

Vijay Ganpat Yadav	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. P. M. Sinha i/b Mr. Sarthak Chouraria i/b Mr. Trishil Khobragade
for the Applicant.
Mr. H. J. Dedhia APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 1ST AUGUST 2023

P. C. :

1. Heard learned Advocate for the Applicant-accused No.4 and learned APP for the Respondent-State. The Officer of Khandala police station is present.
2. This Court has already released some of the accused persons, whereas Application of accused-Kunal came to be rejected. Learned APP has shown to me the said order. In para 12 of the order dated 6th January 2023, this Court has recorded materials against accused-Kunal. Apart from identification in the parade, there was circumstance of recovery at his instance and he has confessed about

crime to two of the witnesses.

3. So far as present Applicant is concerned, it is true that he was identified by witness-Prakash Pawar, whereas he was not identified by witness-Omkar Pawar and by witness-Vishal Pawar.

4. The name of the deceased is Prashant Pawar. He is son of one of the injured-Prakash Pawar, whereas another injured is Omkar Pawar, who is the first informant. Initially, Omkar lodged complaint as if they have sustained injuries in vehicular accident when their motor cycle slipped and they dashed to safety pole. Initially, the police have registered offence under Section 279, 304-A, 337, 338 and 184 of the Motor Vehicles Act. However, during further investigation, it was disclosed that deceased Prashant has not died due to vehicular accident but he died due to homicidal injuries. The statement of Omkar is recorded. Furthermore, there is also statement of Prakash recorded. What they have disclosed is that relatives of one Vaishnavi, who is accused No.6 beaten them with sticks and other weapons. The said Vaishnavi is relative of said injured Prakash Pawar and his two sons Omkar and Prashant. She was staying with them. All of them misbehaved with her and that's why her relatives called three of them to village Pargaon. Statement

under Section 164 were also recorded of Omkar and Prashant.

Prakash Pawar has stated the following facts :-

- (i) Injured-Prakash Pawar and one Shubham Shinde went on motor cycle to village Pargaon, from there accused took them to village Parshi. In fact, both of them were taken in room at Pargaon on one agricultural field.
- (ii) The accused were possessed with weapons and present Applicant was having wooden stick. He was assaulted. He was pressurized to admit that he has sexually abused Vaishnavi.
- (iii) He was taken to village Parshi to their Maternal Aunt of Vaishnavi. They have also beat him. The deceased Prashant was called there and he was also beaten. Even Omkar was called there, he was also beaten.
- (iv) The injured-Omkar and Prashant were admitted to Spandan hospital by the accused themselves and one of them is present Applicant.
- (v) Whereas witness-Prakash was instructed to say that Prashant died in vehicular accident.

5. In view of this subsequent development, the police have converted offence into Section 302 of IPC and now the charge-sheet is filed. It is true that as stated above this accused is identified by injured Prakash. It is true that when the statement of this eye witnesses are perused, no doubt there is reference of Prakash holding wooden stick. It is not recovered at his instance. There is no specific role assigned to this Applicant just like Kunal, there are no other specific materials pointed out against this Applicant. So I am inclined to grant him bail. Hence the order.

O R D E R

- (i) Bail application is allowed.
- (ii) Applicant–Vijay Ganpat Yadav arrested in connection with C.R. No.159 of 2021, registered with Khandala Police Station, Satara for the offence punishable under Sections 143, 147, 148, 149, 302, 307, 326, 324, 347, 120B 201, 504, 506 of the Indian Penal Code, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 25,000/-.
- (iii) Applicant shall not threaten the prosecution witnesses.
- (iv) Needless to say, violating of the condition above will

make the Applicants liable for cancellation of bail after notice.

6. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.
7. Applications are disposed of in the aforesaid terms.
8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]