

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1081 OF 2022

Prashant @ Parsu Durgappa Pawar ...Applicant
V/s.

The State of Maharashtra ...Respondent.

Ms Rui Danawalla i/b Mr. U. R. Mankapure for the Applicant.
Mr. Amit Palkar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 17.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.112 of 2016 registered at Vishrambag Police Station, Sangli for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 323, 504, 120(B) of the Indian Penal Code, Section 135 of Maharashtra Police Act, Sections 3(1)(i), (ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. According to the prosecution, the co-accused Prashant N. Pawar had formed the organized crime syndicate of which the present applicant and other co-accused are members. It is alleged that two months prior to the present incident, which took place on 4 July 2016, dispute took place between the deceased and said co-accused Prashant Pawar on account of some trivial issue. It is

alleged that thus on the date of incident the present applicant and other co-accused assaulted the deceased by stone etc. and committed his murder.

5. I have perused the statements of eye-witnesses. No *overt-act* is attributed to the present applicant.

6. The learned APP submits that the applicant is involved in one more crime. It is submitted that considering the nature of offence, the applicant may not be released on bail. However, considering the fact that no *overt -act* is attributed to the present applicant and as he is in jail for more than five years, I am inclined to release him on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 112 of 2016 registered at Vishrambag Police Station, Sangli for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 323, 504, 120(B) of the Indian Penal Code, Section 135 of Maharashtra Police Act, Sections 3(1)(i), (ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]