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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1017 OF 2023**

Pawan Sampat Satre	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. Hrishikesh R. Chavan for the Applicant.
Mr. S. R. Agarkar APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 16TH JUNE 2023

P. C. :

1. Heard learned Advocate Mr. Chavan for the Applicant and learned APP Mr. Agarkar for the Respondent-State.
2. The present Applicant is son of deceased Sampat Satre. Though he is not named in the FIR, during investigation, his involvement is disclosed. The apparent reason for murdering his father is that Sampat was not consenting for sale of agricultural land by the present Applicant.
3. Sampat Satre was found lying near Canal on the road near farm of Bhikaji Jijaba Bote, Taluka Khatav, District Satara, on 16th

February 2021, after 7.30 pm. This fact was informed by one Raya Anna Patole to the first informant-Neelam, who is wife of the deceased. After which she went there and arranged for carrying deceased to the hospital. Accordingly, she lodged complaint against unknown persons with Pusegaon police station on 17th February 2021. They have registered offence under section 302 of IPC.

4. During investigation, the involvement of three persons was disclosed. They are present Applicant-Pawan Sampat Satre, Sourabh Kadam, who is his friend was granted bail and third person is Yuvraj Jadhav.

5. In order to show involvement of present Applicant, the prosecution relied upon the following materials :

- (a) Police statement of Vijaykumar Jaysingh Bote recorded on 18th February 2021. He had seen all these accused running alongwith wooden rod in the evening of 16th February 2021.
- (b) Seizure of stick which is weapon of offence having blood stains recovered at the instance of the Applicant.
- (c) Seizure of clothes with blood stains recovered at the instance of the Applicant.

6. The Applicant relied upon the order passed by this Court, in respect of co-accused *Sourabh Ashok Kadam Vs. The State of Maharashtra in Bail Application No.3020 of 2021 dated 17th December 2021*. According to learned APP, role of co-accused is different from the present Applicant. There are two materials against Sourabh Kadam. They are as follows :

- (a) Discovery of the place wherein he has concealed the clothes.
- (b) Statement of Vijaykumar Jaysingh Bote.

7. According to learned APP, there is recovery of wooden rod and blood stained clothes at the instance of present Applicant.

8. According to Mr. Chavan, statement of Vijaykumar Bote is recorded after gap of two days. It is recorded on 18th February 2021, whereas the incident took place on 16th February 2021. My attention is also invited to statement of Santosh Dadaso Bote. The said Santosh was informed by the witness Vijaykumar Bote that the deceased Sampat was lying on the ground in an injured condition and he was assaulted by some one. The emphasis is that witness VijayKumar Bote has not narrated to the witness Santosh Bote about witnessing all accused persons running earlier to the incident.

9. It is true that the case is based on circumstantial evidence. No circumstance is pointed out to me that any of the witness has seen that the Applicant has assaulted his own father. It is also true that this statement of VijayKumar Bote is recorded after two days. Ultimately, recovery of incriminating articles is corroborative piece of evidence. In absence of other satisfactory evidence, I am inclined to grant bail to this Applicant. Hence, the following order is passed :

ORDER

- (a) The Applicant-Pawan Sampat Satre be released on bail in connection with C.R. No.42 of 2021 registered with Pusegaon police station for the offences punishable under sections 302 of IPC, on furnishing personal bond and surety bond of Rs.25,000/-.
- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
- (c) The Applicant is directed to stay outside the limits of Pusegaon police station, Satara until further orders.
- (d) The Applicant is directed to furnish present address to concerned police station within two weeks after his release

from the jail

- (e) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail, after notice to the Applicant.

10. Application is disposed of accordingly.

11. These are my prima facie observations and the trial Court may not be influenced by that.

12. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]