



Diksha Rane

30.BA.780-23.odt

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

BAIL APPLICATION NO.780 OF 2023

1.SOPAN UTTAM BIDGAR

2.SANDIP UTTAM BIDGAR

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket Nikam for the applicants.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 25, 2023

P.C. :

- 1.** Heard learned counsel for the applicants and learned APP for the State. Learned counsel seeks leave to withdraw the application on behalf of the applicant no.1 Sopan Bidgar.
- 2.** This is an application for bail in respect of the offence punishable under Section 302 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 27/2/2022 vide C.R. No.73/2022 with Chandwad Police Station.
- 3.** So far as the applicant no.2 - Sandip Uttam Bidgar is concerned, I am inclined to enlarge him on bail. The date of

the incident is 26/2/2022. The applicants i.e. the two accused were arrested on 27/2/2022. As per the case of the prosecution, the deceased who was an unknown person had twice trespassed into the house of the applicants. When the applicants attempted to remove him, the victim verbally abused the applicants and used some foul language against the ladies in the house. It is alleged that the applicants assaulted the deceased with sticks and fists. There was a recovery at the instance of the accused no.1- Sopan. So far as the accused no.2-Sandip is concerned, there is no recovery. Even the witnesses to the incident have not attributed any overt act to the applicant No.2 – Sandip.

4. Learned APP opposed the application and invited my attention to the statement of one witness at page 31 that of Pravin Santosh Ahire who stated that even the applicant No.2- Sandip had assaulted the deceased. However, the other witnesses have not attributed any overt act to the applicant no.2. There are no criminal antecedents reported against the applicant no.2. Learned APP also submitted that the C.C.T.V. footage is awaited. From the materials on record, considering the role of the applicant no.2- Sandip, I

am satisfied that the applicant no.2- Sandip can be enlarged on bail.

5. The applicant is in custody for more than one year and seven months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In my opinion, the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is partly allowed.

(b) The applicant No.2- Sandip Uttam Bidgar in connection with C.R. No.73/2022 with Chandwad 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 No.2 - Sandip Uttam Bidgar is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant No.2 - Sandip Uttam Bidgar shall attend the Investigating Officer of Chandwad police station once in two months every first Monday of the alternate month between 11.00 a.m. and 1.00 p.m. commencing October 2023.

(e) The applicant No.2 – Sandip Uttam Bidgar 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.

(f) On being released on bail, the applicant No.2 – Sandip Uttam Bidgar shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant No.2 – Sandip Uttam Bidgar shall attend the trial regularly.

6. So far as the applicant no.1- Sopan Uttam Bidgar is concerned, learned counsel for the applicants, on instructions, seeks leave to withdraw the application with liberty to apply after some time. The application is allowed to be withdrawn as regards the applicant No.1 – Sopan Uttam Bidgar with liberty to apply after the C.C.T.V. footage is obtained or after some time.

7. The application is disposed of.

(M. S. KARNIK, J.)