



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

BAIL APPLICATION NO. 1208 OF 2023

MAHESH PALANI DEVAR ..APPLICANT
VS.
STATE OF MAHARASHTRA ..RESPONDENT

Mr. Ujwal Agandsurve, for the applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 09, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 302, 307, 323, 506 read with 34 of the Indian Penal Code, 1860 registered on 17/10/2022 vide C.R. No.578 of 2022 with MIDC Police Station, Solapur City.
- 3.** There are 3 accused. The applicant is the accused no.3. The applicant was arrested on 17/10/2022. The accused are the real brothers. The date of the incident is 16/10/2022 at 10.00 p.m. The name of the deceased is Kalyani. The accusation is that the accused

no.1 called up Kalyani and started abusing him. Accused no.1 was annoyed by the fact that Kalyani was interacting with the wife of the accused no.1 which he did not like and therefore he asked Kalyani not to interact with her. Thereafter deceased Kalyani went at the place where the accused had called to meet them. There was some verbal altercations between the accused and the deceased. Accused no.1 and the present applicant assaulted the victim with fist and kick blows. Accused no.1 took out a koyta from a bag which he was carrying and gave blows with it to Kalyani near his right eye and legs. Accused no.1 warned the victim that he should not contact his wife whereafter they left.

4. Learned APP opposed the application. He submitted that there is recovery at the instance of the accused no.1. There is extra judicial confession on record as well as 164 statement of the eye-witness which clearly reveals the role of the present applicant.

5. The present applicant is alleged to have assaulted the victim with kick blows. There are no criminal antecedents reported against the applicant. The main assailants are the other accused and not the present applicant. The investigation is complete. Charge-sheet has been filed. The applicant is in custody for almost 1 year. In the facts

and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Mahesh Palani Devar in connection with C.R. No.578 registered with MIDC Police Station, Solapur City shall be released on bail on his furnishing PR. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the investigating officer of MIDC Police Station, Solapur City once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant 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.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) The applicant shall not leave the State of Maharashtra

without intimation to the investigating officer.

(g) The applicant not to contact the witnesses.

(h) The applicant shall attend the trial regularly.

(i) The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)