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

BAIL APPLICATION NO.1688 OF 2023

RITESH AJAY PAWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Aniket Ujjwal Nikam a/w Mr. Aashish Satpute a/w Mr.
Piyush R. Toshnival a/w Mr. Amit R. Icham for the Applicant.
Mr. P. H. Gaikwad, APP for the State.
PSI P. R. Dongle, Khadak Police Station, Pune City.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 5, 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 307, 120-B, 143, 147, 148, 149 of the Indian Penal Code (hereafter 'IPC' for short), under Section 3(25) of Arms Act and under Sections 37(1) read with 135 of Maharashtra Police Act registered vide C.R. No.267 of 2016 with Khadak Police Station, Pune.
- 3.** The FIR was registered on 23.09.2016. There are in all nine accused. The applicant is accused No.6. The applicant

was arrested on 23.09.2016. The informant was fired at by the accused who were armed with pistols. The applicant fired at the deceased. The bullet hit the head of the deceased. There are eye witnesses to the incident. So far as the merits are concerned, I am in complete agreement with learned APP that the applicant has no case on merits for enlargement on bail.

4. It is next contended by learned counsel for the applicant that on the ground of parity with other accused the applicant seeks enlargement. Considering the cause of death and the role of the applicant, even this ground is not available to the applicant for enlargement on bail.

5. The applicant was arrested on 23.09.2016. At the time of his arrest the applicant was 19 years of age. The applicant is in custody for more than six years and eleven months. I had enquired about the stage of the trial. The charge has not yet been framed. The prosecution intends to examine 52 witnesses. The trial is likely to take a long time to conclude. On the ground of long incarceration in the facts of this case, I am inclined to enlarge the applicant on bail.

6. Learned APP pointed out that there is one criminal antecedent against the applicant under the Arms Act in C.R. No.3134 of 2016. However, the antecedent is not such that the applicant should be deprived the facility of bail. The applicant can be enlarged on bail by imposing stringent conditions. Learned APP submitted that the witnesses might feel threatened by the presence of the applicant.

7. The investigation is complete and the charge-sheet has been filed. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ritesh Ajay Pawar in connection with C.R. No.267 of 2016 registered with Khadak Police Station, Pune shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Khadak Police Station, Pune 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 enter Pune District including Pune City till the conclusion of the trial except for the purpose of attending the trial and the Investigating Officer.

(e) The applicant shall report to the closest police station near his residence while residing outside Pune District every Thursday between 11.00 a.m. and 1.00 p.m.

(f) 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.

(g) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer while residing outside Pune District and Pune City and shall keep him updated, in case there is any change.

(h) Any attempt on the part of the applicant to contact the victim will be viewed seriously which may result in cancellation of bail.

8. The application is disposed of.

(M. S. KARNIK, J.)