



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

BAIL APPLICATION NO.2595 OF 2023

MARGAPPA LAXMAN PAWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Ms.Suvarna Avhad Vast a/w Ms.Manali Sohoni, Mr. Rahul Dingankar,
Mr. Deval Yadav, for the Applicant.

Mr. N. B. Patil, APP for the State.

PI-Mr. Samadhan Wagh/EOW-14 Mumbai present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 12, 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, 397, 326, 143, 145, 147, 148, 149, 504, 506(2) read with 34 of the Indian Penal Code, under sections 37(1)(A), 135 of Bombay Police Act and under sections 4 and 25 of Indian Arms Act registered on 12/08/2021 vide C.R. No.660 of 2021 with Dindoshi Police Station, Mumbai.

3. There are in all 7 accused. The applicant is the accused no.2. The applicant was arrested on 12/08/2021.

4. It is the prosecution case that the incident took place on 12/08/2021 at 00:41 hr. It is alleged that the accused 7 in number assaulted the deceased. There are statements of the informant who is also an injured witness, eye-witness and independent witness on record. The applicant is the accused no.2. Accused no.1, the son of the present applicant was armed with a koyta. The other accused were also armed with the sharp edged weapons. There was collective assault on the deceased. The applicant is alleged to have assaulted the deceased with a bamboo stick. The blood stained clothes were recovered at the instance of the applicant. I have perused the medical certificate.

5. Learned APP opposed the application contending that the accusations against the applicant are serious and therefore the applicant should not be enlarged on bail.

6. It is the submission of the learned counsel for the applicant that the applicant is facing medical condition and there was valve replacement in the heart done earlier. The applicant is suffering rheumatic heart disease. Presently, his heart is functioning at 25% due to which he is suffering from severe breathing problem and chest pain with other problems. The applicant has placed on record certificate dated 19/05/2023 of the Department of Cardiology, Grant

Government Medical College indicating that the valve replacement was done in 1990. The applicant was admitted to the hospital for the period from 13/05/2023 to 18/05/2023. After giving necessary medication and when the health of the applicant was stabilized, the applicant was discharged. The applicant is on medication.

7. The applicant was arrested on 12/08/2021 and is in custody for more than 2 years. The trial is likely to take long time to conclude. In the facts and circumstances of the present case having regard to his role in the assault, the applicant can be enlarged on bail considering that he is in custody for over 2 years. The applicant does not appear to be a flight risk. The major accusations are against the accused no.1 and other accused. No doubt there is an accusation that applicant assaulted with bamboo stick which is recovered from the spot. However, in the facts and circumstances of the present case, as the investigation is complete, the charge-sheet has been filed, considering the medical condition of the applicant, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Margappa Laxman Pawar in connection with

C.R. No. 660 of 2021 registered with Dindoshi police station, Mumbai shall be released on bail on his furnishing PR. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the investigating officer of Dindoshi police station, Mumbai 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 reside in the area of Dindoshi police station till further orders of the trial Court.

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

8. The application is disposed of.

(M. S. KARNIK, J.)