

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3673 OF 2022

Abashya @ Prithviraj Prakash Kamble ... Applicant

V/s.

State of Maharashtra ... Respondent

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Mr. Priyal G. Sarda a/w. Mr. Shubham Sane, Advocate for Applicant.
Ms. Anamika Malhotra, APP for Respondent-State.
PSI – J. Varkate, Chinchwad Police Station present.
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CORAM : SHIVKUMAR DIGE, J.

DATE : 25th SEPTEMBER 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. 185 of 2020 registered with Chinchwad Police Station, Pune for the offences punishable under Sections 302, 307, 504, 506, 141, 143, 146, 147, 148 & 149 of Indian Penal Code, 1860 (for short “IPC”) and Section 4(25) of Arms Act and Section 37(1) read with 135 of Maharashtra Police Act.

2. It is the prosecution’s case that on 22.07.2019 at around 5:00 p.m., the first informant along with his friend were sitting at Patra Shed Zopadpatti, Link Road, Chinchwad, Pune, at that time,

deceased Karan Pawar arrived there. At the same time, Applicant came along with 5 to 6 persons and abused and assaulted Karan Pawar by means of sickle, iron rod, bamboo sticks and stone due to which Karan Pawar suffered grievous injuries and later succumbed grievous injuries.

3. It is the contention of learned Counsel for the Applicant that Applicant has been falsely implicated in this case. Initially offence was registered under Section 307 of IPC, after the death of deceased Section 302 of IPC has been added. In FIR and charge-sheet no specific role is attributed to the Applicant. There is no recovery at the instance of the Applicant. In the statement of eye witnesses, role attributed to the Applicant is only that Applicant had abused the deceased. Applicant is behind the bar more than 3 years. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

4. It is the contention of learned APP that Applicant was a part of group who assaulted the deceased. In the said assault, deceased died, at that time, Applicant was present. It shows his involvement in crime. There is *prima facie* case against the Applicant. If Applicant is released on bail, he may threaten prosecution witnesses. Hence, requested to reject the Application.

5. I have heard both the learned Counsel. Perused FIR and charge-sheet. In the statement of first informant, informant has mentioned the name of Applicant. Applicant has abused and assaulted the deceased.

6. In the statements of eye witnesses Hrutik Jadhav and Rakesh Surwase they have stated that Applicant had abused the deceased. There is no recovery at the instance of Applicant. Allegations against the Applicant that he had abused the deceased. At the time of incident Applicant was 19 years old and now he is 22 years old. He is behind the bar more than 3 years, yet trial has not been started. Investigation is completed and charge-sheet has been filed. Considering the above facts, I am inclined to allow the Application.

7. In view of the above, I pass following Order:

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 185 of 2020 registered with Chinchwad Police Station, Pune on executing P. R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month

between 11.00 a.m. to 3.00 p.m. till framing of charge.

- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- (v) The Trial Court shall decide the said case on its own merits, in accordance with law uninfluenced by the observations made in this order.
- (vi) Applicant shall not enter in Chinchwad area till framing of the charge except attending the Court dates.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

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by SONALI
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