



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 197 OF 2024

Bajirao @ Subhash Sajan Pawar

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondents

.....
Mr. P.R. Katneshwarkar, Advocate h/f Mr. Yogesh Bolkar,
Advocate for Applicant
Mr. S.B. Jadhav, APP for Respondent Nos.1 and 2
Mr. Chaitnya C. Deshpande, Advocate for informant
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th JULY, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 0414 of 2023 registered with Deopur Police Station, District-Dhule for offence punishable under sections 195-A, 214, 507 read with section 34 of the Indian Penal Code.

2. Prosecution case in short is, informant Harish Anil Shinde, who is a eye witness to the double murder committed by applicant Bajirao Pawar, Jayraj Patil, Rushikesh Patil, Darshan Pardeshi, Bhupesh Patil, Gaurav Pawar and others, lodged FIR, with West-Deopur Police Station, which is registered at C.R. No. 75/2018 for offences punishable under sections 302, 307, 120-B of the Indian Penal Code. After filing

of charge-sheet, case was numbered as Sessions Case No.103 of 2018, wherein evidence is being recorded. Accused persons or their relatives are pressurizing the witnesses in the said trial to change their version and/or to support the accused persons. The witnesses have lodged various complaints/F.I.R. in that behalf. Applicant was granted bail in the sessions trial by order dated 07.10.2023 on certain terms and conditions.

Evidence of informant Harish was to be recorded in the sessions trial. Applicant contacted Harish through Bharti Yeole and pressurized informant by giving threats and offering to pay him Rupees 20 lakh. Informant was called at Amalner road near Navnath Mandir. Harish along with other witness Prashant Patil went to West-Deopur Police Station and informed about the same. Police decided to lay trap. Thereafter, Harish and Prashant went towards Amalner. Bharti Yeole and Raju Bairagi were constantly in touch with them and they were called at different locations. Finally, they called them at Navnath Mandir ahead of Amalner fata. After reaching near Navnath Mandir, Harish met Walmik Patil, Raju Bairagi, Bharti Yeole and Abhishek Yeole. They took him to Om Shanti Mahadev Mandir, where a white colour four wheeler was parked. Applicant alighted from the said vehicle and asked

Harish to accept the money he was offering, applicant threatened him of dire consequences in case of his refusal and not deposing in the Court as per his instructions. He also assured to pay more amount to Harish, if he acts as per his instructions. Applicant also gave a missed call to Harish and told him to call him in case of any difficulty. Applicant then proceeded towards Amalner in his four wheeler. Thereafter, Walmik Patil, Raju Bairagi, Bharti Yeole and Abhishek Yeole also left the spot. Harish then called applicant and informed him to direct the said persons to pay amount at Parola road Choufuli, but applicant told him to visit the house of Bharti Yeole. These developments were informed by Harish to police. Then he called Bharti Yeole and told her that he will be visiting her house for accepting the amount. Bharti Yeole told him to come near Natraj Talkies. When Harish went there, after some time Bharti Yeole and her son Abhishek Yeole came there on motorcycle. Police were present near the spot. Raju Bairagi and Walmik Patil also came there. Raju Bairagi was carrying a cotton bag containing amount. Raju Bairagi and Walmik Patil handed over the said bag to Bharti Yeole. Since they got suspicious, they left the spot hurriedly. Thereafter, Bharti Yeole and her son handed over the said bag to Harish. Police seized the said bag, which contained an amount of Rs.1,00,000/-

before panchas. Harish lodged a report at West-Deopur Police Station against applicant Bajirao Pawar, Bharti Yeole, Abhishek Yeole, Walmik Patil and Raju Bairagi, which is registered at Crime No.414/2023 for offences punishable under sections 195-A, 214, 507 read with section 34 of the Indian Penal Code.

3. Heard learned advocate for applicant, learned APP for respondents assisted by learned advocate for informant. Perused the investigation papers.

4. While releasing applicant on bail, Sessions Court had imposed condition that, *"The accused No.1 shall not either directly or indirectly contact the informant or any other witnesses in any manner whatsoever till the trial of the case is over, shall not attempt to influence the prosecution witnesses and shall not commit any offence or indulge in any criminal activity while on bail"*.

Investigation reveals that applicant has violated the above condition.

5. Record indicates that there are ten offences registered against applicant, which are as follows:

Sr. No.	Police Station and Crime number	Offences punishable under sections
1.	West Deopur Police Station, C.R. No.75/2018	Sections 302, 307, 341, 120-B, 109, 143, 147, 148, 149, of IPC, Sections 3 & 25 of Arms Act and Section 37(1) (3)/ 135 of Maharashtra Police Act.
2.	West Deopur Police Station, C.R. No.414/2023	Sections 195-A, 217, 507 read with section 34 of IPC.
3.	Azadnagar Police Station, C.R. No.135/1991	Section 143 etc. of IPC
4.	Azadnagar Police Station, C.R. No.167/2011	Section 3(1)(10) of SC &ST Act, Section 7(1)(D) of Protection of Civil Rights Act, 1955 and Sections 143, 148, 149, 427, 504, 506 of IPC r/w section 135 of Mumbai Police Act.
5.	Dhule City Police Station, C.R. No.135/1991	Section 3(1)(10) of SC & ST Act, Section 143, 148, 149, 336, 323, 427, 504, 506 of IPC
6.	Azadnagar Police Station, C.R. No.132/2012	Sections 143, 353, 323, 504, 506 r/w Criminal Law Amendment Act Section 7 and Section 36(5)/134 of Mumbai Police Act.
7.	Azadnagar Police Station, C.R. No.135/2013	Sections 307, 143, 147, 148, 149, 336, 427, 323, 504, 506 of IPC and Section 4/25 of Arms Act.
8.	Azadnagar Police Station, Cr. No.136/2013	Section 353, 143, 336, 188 etc. of IPC.
9.	Dhule City Police Station, C.R. No.7/2014	Section 4 and 5 of Bombay Gambling Act.
10.	Azadnagar Police Station, C.R. No.176/2012	Sections 363, 366 of IPC.

6. This Court by order dated 08.02.2024 granted interim protection to applicant and directed him to co-operate in the investigation. By order dated 08.03.2024, applicant was directed to attend concerned police station from 10.04.2024 to 13.04.2024, everyday, between 10.00 a.m. to 02.00 p.m. and was directed to surrender his cell phone along with sim card, which is referred in the F.I.R. On that day, applicant undertook to give his voice sample.

7. Investigating officer has submitted a report stating that pursuant to the order dated 08.04.2024, statement of applicant is recorded and his voice sample is taken, but he has not surrendered his cell phone and sim card and has not co-operated in the investigation. Cell phone and sim card are required for effective investigation.

8. Taking into consideration the serious allegations levelled against applicant, his complicity in present crime, his criminal antecedents and as the applicant has failed to follow the directions of this Court and co-operate in investigation, applicant does not deserves discretionary relief of anticipatory bail. Application is therefore rejected.

[NITIN B. SURYAWANSHI]
JUDGE