

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

BAIL APPLICATION NO.23 OF 2024

Tapasya Asman Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rahul K. Dhaigude a/w Dipak Y. Jadhav, for the Applicant.

Mr. P. P. Malshe, APP, for the Respondent-State.

Mr. Sagar T. Abhang, PN-Phaltan Rural Police Station, District-Satara.

CORAM: MADHAV J. JAMDAR, J.

DATED: 25th APRIL 2024

P. C.:

1. Heard Mr. Dhaigude, learned Counsel for the Applicant and Mr. Malshe, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C.R. No.	1055 of 2023
2	Date of registration of F.I.R.	05/05/2023
3	Name of Police Station	Phaltan Rural, District-Satara
4	Section/s invoked	324, 323, 504, 506 r/w 34 of the <i>I.P.C., 1860</i>
5	Section applied in Charge-sheet	302, 324, 323, 504, 506 r/w 34 of the <i>I.P.C., 1860</i>
6	Date of incident	05/05/2023
7	Date of arrest	28/05/2023
8	Date of filing Charge-sheet	25/08/2023

3. The Applicant and the deceased are brothers. As per the prosecution case, there was some dispute between these two brothers on account of filing F.I.R. under the provisions of the POCSO Act against Rupesh Bhosale i.e. brother of the wife of the Applicant. Therefore, the Applicant and his wife were of the opinion that the case is false and therefore they were insisting the deceased and his wife to withdraw the said case and therefore there was some dispute going on between them. On 5th May 2023, the incident in question took place when both, the Applicant and the deceased were under the influence of alcohol and the scuffle was going between them on the said issue. In that scuffle, when the deceased tried to assault the Applicant with a beer bottle, the said beer bottle was snatched by the Applicant and he assaulted the deceased with that beer bottle. The Applicant's wife assaulted the deceased with stone and brick. The deceased succumbed to the resultant injuries on 6th May 2023.

4. It is the submission of Mr. Dhaigude, learned Counsel for the Applicant that the incident in question took place on the spur of the moment and when both the Applicant and the deceased were under the influence of alcohol. He submitted that investigation has been completed and the Charge-sheet has been filed. He submitted that the incident in question took place when a sudden quarrel broke out between the two brothers. He submitted that there are no other

antecedents against the Applicant.

5. On the other hand, Mr. Malshe, learned APP strongly opposed the Bail Application. He submitted that there are eye-witnesses to the incident and the Applicant and his wife have mercilessly assaulted the deceased. He therefore submitted that the Bail Application be rejected. Mr. Malshe, learned APP, on instructions, submitted that the Applicant does not have antecedents.

6. *Prima facie*, there is substance in the contention of the learned Counsel for the Applicant that the incident in question had taken place when a sudden quarrel took place between two brothers and on the spur of the moment and when both, the Applicant and the deceased were under the influence of alcohol.

7. It is an admitted position that investigation has been completed and that Charge-sheet has been filed on 25th August 2023. The trial is likely to take a considerably long time.

8. The Applicant does not have any criminal antecedents.

9. The Applicant does not appear to be at risk of flight.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:-

ORDER

(a) The Applicant-Tapasya Asman Pawar be released on

bail in connection with C.R. No.1055 of 2023 registered with the Phaltan Rural Police Station, District – Satara on his furnishing P.R. Bond of Rs.20,000/- with one or two local sureties in the like amount.

- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Phaltan Rural Police Station, District – Satara once in fifteen days i.e. on 1st and 3rd Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (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 such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the Trial Court shall decide the case on its

merits, uninfluenced by the *prima facie* observations made in this Order.

[MADHAV J. JAMDAR, J.]