

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1286 OF 2024

Deepak Raghunath Powar ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Anand S. Patil, Advocate, for the Applicant.
Mr. P. P. Deokar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 1st APRIL 2024

PC:-

1. Heard Mr. Patil, learned Counsel for the Applicant and Mr. Deokar, 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.	1548 of 2020
2.	Date of registration of F.I.R.	08/12/2020
3.	Name of Police Station	Karveer, District-Kolhapur
4.	Section/s invoked	302, 504 r/w. 34 of the Indian Penal Code, 1860
5.	Date of incident	07/12/2020

6.	Date of arrest	08/12/2020
7.	Date of filing of Charge-sheet	March 2021

3. At the outset, Mr. Patil, learned Counsel for the Applicant submitted that this is the second Bail Application and the first Bail Application was allowed to be withdrawn by order dated 27th April 2022 passed by a learned Single Judge (Coram: Vinay Joshi, J.) as the Court has expressed its non-inclination to grant the bail. He submitted that however, the Applicant is behind bar since 8th December 2020 and after a period of 3 years and 5 months there is no further progress in the trial, except framing of the charge. He further submitted that co-Accused has been granted bail by order dated 12th March 2024 and therefore, submitted that the Applicant is entitled to be released on bail on the ground of parity.

4. On the other hand, Mr. Deokar, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that merits of the case cannot be looked into as the first Bail Application was allowed to be withdrawn as the Court has expressed its non-inclination to grant the bail by order dated 27th April 2022. He submitted that there are two antecedents i.e. C.R.

No.218 of 2026 registered with Laxmipuri Police Station and C.R. No.92 of 2016 registered with Rajarampuri Police Station. He submitted that the Bail Application be rejected.

5. Mr. Deokar, learned APP is right in contending that as the first Bail Application is allowed to be withdrawn as the Court has expressed its non-inclination to grant bail, merits of the case cannot be considered. However, it is to be noted that the Applicant is behind bar since 8th December 2020. Till date there is no further progress in the trial except framing of the charge. As per the Charge-sheet, there are 37 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

6. Although, there are criminal antecedents against the Applicant, the same are of the year 2016 and Mr. Patil, learned Counsel for the Applicant states that the Applicant has been enlarged on bail in those cases.

7. Mr. Patil, learned Counsel for the Applicant states that as several witnesses are residing in the Kolhapur District, the

Applicant will therefore not reside within Kolhapur District and that the Applicant will reside at C/o. Sangita Ramesh Salonkhe, 101, Budhwar Peth, behind Krishna Hospital, Prabhat Talkies, Karad, District-Satara.

8. The Applicant does not appear to be at risk of flight.
9. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
10. In view thereof, the following order:-

ORDER

- (a) The Applicant – Deepak Raghunath Powar be released on bail in connection with C.R. No.1548 of 2020 registered with the Karveer Police Station, District – Kolhapur on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter the Kolhapur district after being released on bail, except for reporting to

the Investigating Officer, if called, and for attending the trial.

- (c) 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.
- (d) The Applicant shall report to the Karad City Police Station, District - Satara once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Karad City Police Station, District – Satara to communicate details thereof to the Investigating Officer.
- (e) 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.

- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

12. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]