

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

CRIMINAL BAIL APPLICATION NO. 1348 OF 2024

Subhash Anna Sarwade & Ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Rahul Arote, Advocate, for the Applicant.

Ms. S.S. Kaushik, APP, for Respondent- State.

P.D. Salunkhe, HC B. No. 125, Mangalvedha Police Station present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 17th April 2024

P. C.

1. Heard Mr. Arote, learned Counsel for the Applicant and Ms. Kaushik, 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.	696 of 2023
2.	Date of registration of F.I.R.	31 st August 2023
3.	Name of Police Station	Mangalvedha, District-Solapur
4.	Section/s invoked	302, 324, 504 r/w 34 of <i>I.P.C.</i> , 1860;
5.	Date of incident	26 th August 2023
6.	Date of arrest	1 st September 2023
7.	Date of filing Charge-sheet	23 rd November 2023

3. The Applicant No.1 and Applicant No.3 are husband and wife and

Applicant No.2 is their son.

4. As per the prosecution case, a quarrel took place between the Applicants and the deceased on some petty issue and the Applicants assaulted the deceased with wooden stick and brick.

5. It is the contention of Mr. Arote, learned Counsel for the Applicants that suddenly some fight took place between the Applicants and the deceased and that the Applicants assaulted the deceased with stick and brick. He submitted that the incident in question took place on the spur of the moment. He submitted that the entire family has been arrested except for one son who is in 11th standard. He submitted that there are no antecedents.

6. On the other hand, Ms. Kaushik, learned APP vehemently opposed the Bail Application and stated that the Applicants mercilessly assaulted the deceased. However, on taking instructions, she submitted that there are no antecedents.

7. Perusal of the record shows that the incident in question took place on 26th August 2023, F.I.R. was lodged on 31st August 2023 and the Applicants were arrested on 1st September 2023 and the Charge-sheet was filed on 23rd November 2023. There is no further progress in the trial. The trial will take considerable time to conclude.

8. *Prima facie*, there is substance in the contention raised by the learned Counsel for the Applicants that the incident in question took

place on the spur of the moment. There are no antecedents. The Applicant No.3 is a woman aged 36 years, the Applicant No.2 is a student aged 20 years. The Applicant No.1 is an agriculturist.

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

ORDER

(a) The Applicants – Subhash Anna Sarwade, Siddharth Subhash Sarwade and Vaishali Subhash Sarwade be released on bail in connection with C.R. No.696 of 2023 registered with the Mangalvedha Police Station, District - Solapur on their furnishing P.R. Bonds of Rs.10,000/- each with one or two local solvent sureties each in the like amount.

(b) On being released on bail, the Applicant shall furnish their cell phone numbers and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant No.1 Subhash Anna Sarwade and Applicant No.2- Siddharth Subhash Sarwade shall report to the Mangalvedha Police Station, District - Solapur once a

week on every Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) The Applicants 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 Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witnesses in any manner.

(f) The Applicants shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicants shall surrender their passports, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. 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.]