

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

BAIL APPLICATION NO.1573 OF 2024

Suraj Pandurang Sawant

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Jaydeep D. Mane (Through V.C.) a/w Yash Fadtare, for the Applicant.

Ms. Savita M. Yadav, APP, for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : APRIL 19, 2024

P.C.:

1. Heard Mr. Mane, learned Counsel for the Applicant and Ms. Yadav, 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.	369 of 2023
2	Date of registration of F.I.R.	15/11/2023
3	Name of Police Station	Natepute, District-Solapur
4	Section/s invoked	302, 201, 176, 182 r/w 34 of the <i>I.P.C., 1860</i>
5	Date of incident	13/11/2023
6	Date of arrest	16/11/2023
7	Date of filing Charge-sheet	04/02/2024

3. The Applicant is the Accused No.1. Accused No.2 and Accused No.3 are the Applicant's mother and sister, respectively.

4. As per the prosecution case, all the Accused murdered the deceased who was father of the Accused No.1 and Accused No.3 and husband of Accused No.2 and they made an attempt to portray the cause of death as the result of an accident.

5. Mr. Mane a/w Mr. Fadtare, learned Counsel for the Applicant submitted that the prosecution case shows that the deceased was a habitual alcoholic and that he used to mercilessly assault the Accused No.2-mother. He submitted that on the day of the incident in question i.e. 13th November 2023, the deceased, under the influence of alcohol was assaulting the Accused No.2-mother and the Accused No.2-mother assaulted the deceased and the deceased succumbed to the resultant injuries. He submitted that even if the entire prosecution case is accepted as true, then also the role of the present Applicant is of destruction of evidence which is punishable under Section 201 of the *Indian Penal Code, 1860* ("IPC") and which is a bailable offence. He submitted that the Applicant is a young man aged 23 years. He submitted that there are no antecedents against the Applicant and therefore the Bail Application be granted.

6. On the other hand, Ms. Yadav, learned APP for the Respondent-State strongly opposed the Bail Application. She submitted that all the Accused have participated in the offence in question. She pointed out the cell phone messages between Accused No.1 and Accused No.3.

7. Perusal of the record shows that the incident in question took place on 13th November 2023. The Applicant was arrested on 16th November 2023 and the Charge-sheet has been filed on 4th February 2024. Thus, investigation is completed. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. *Prima facie* there is substance in the contention advanced by learned Counsel for the Applicant that the involvement of the Applicant, if any, is only with respect to the offence under Section 201 of IPC.

9. The Applicant is a young man aged 23 years.

10. The Applicant does not have any criminal antecedents.

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

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

13. In view thereof, the following order:-

ORDER

- (a) The Applicant-Suraj Pandurang Sawant be released on bail in connection with C.R. No.369 of 2023 registered with the Natepute Police Station, District-Solapur on his furnishing PR. Bond of Rs.15,000/- 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 Natepute Police Station, District-Solapur as and when called, 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.

14. The Bail Application is disposed of accordingly.

15. 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.]