

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1612 OF 2024

Mangesh Ambadas Padwalkar ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Amit Icham, Advocate, for the Applicant.
Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 22nd APRIL 2024

P. C.:

1. Heard Mr. Icham, learned Counsel for the Applicant and Mr. Mangaonkar, 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.	752 of 2023
2.	Date of registration of F.I.R.	19/10/2023
3.	Name of Police Station	Pandharpur Taluka, District-Solapur
4.	Section/s invoked	302, 201, 199 r/w. 34 of the <i>Indian Penal Code, 1860</i>
5.	Date of incident	12/10/2023
6.	Date of arrest	19/10/2023
7.	Date of filing of Charge-sheet	15/01/2024

3. The Applicant-Accused No.2 is the son of the sister of the Accused No.1 and the deceased was the husband of the Accused No.1. As per the prosecution case, the deceased was a habitual alcoholic and he used to frequently assault his wife-Accused No.1. The deceased also under the influence of liquor used to molest his daughter and therefore, as the said behaviour of the deceased was adversely affecting his daughter, her mother-Accused No.1, with assistance of the present Applicant-Accused No.2, killed her husband-Deceased and thereafter his body was thrown in the Bhima river.

4. It is the contention Mr. Icham, learned Counsel for the Applicant, that the case is of circumstantial evidence. There is no eye-witness to the incident. The only circumstance against the present Applicant is recovery of a motorcycle. He submitted that the Applicant does not have any criminal antecedents. He submitted that the Applicant is a young man aged 23 years. He therefore, prayed that the Applicant be released on bail.

5. On the other hand, Mr. Mangaonkar, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that although the case is of circumstantial evidence, the circumstances are very strong and therefore, the bail Application be rejected.

6. Perusal of the record shows that in the present case, the offence in question took place on 12th October 2023, F.I.R. was

lodged on 19th October 2023, the Applicant was arrested on 19th October 2023 and, Charge-sheet was filed on 15th January 2024. There is no further progress in the trial. As per the Charge-sheet, there are 32 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.

7. *Prima facie*, the incident in question took place as the deceased under the influence of liquor was molesting his daughter.

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 – Mangesh Ambadas Padwalkar be released on bail in connection with C.R. No.752 of 2023 registered with the Pandharpur Taluka Police Station, District - Solapur on his furnishing P.R. Bond

of Rs.20,000/- with one or two 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 Pandharpur Taluka Police Station, District - Solapur on the first 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.]

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