



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1914 OF 2023

Sunil Jakappa Pujari

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Vikrant Phatate i/b. Mr. Vijay S. Bendgude, Advocates for the Applicant.

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

Mr. S. B. Bhanvase, Head Constable-Sangola Police Station present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 14th FEBRUARY 2024

PC:-

1. Heard Mr. Phatate, learned Counsel appearing for the Applicant and Ms. Kaushik, learned APP appearing 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.	135 of 2022
2.	Date of registration of F.I.R.	07/02/2022
3.	Name of Police Station	Sangola Police Station,

		District-Solapur
4.	Section/s invoked	302, 201, 364, 120(B), 323, 143, 147, 148 and 149 of the I.P.C., 1860
5.	Date of incident	07/02/2022
6.	Date of arrest	08/02/2022
7.	Date of filing Charge-sheet	13/04/2022

3. As per the prosecution case, the wife of the deceased died in the year 2017 and thereafter in the year 2020, the deceased developed a relationship outside of marriage with the sister of the present Applicant and thereafter he eloped with her. Thereafter Police complaints were filed. Both of them came to the Mangalwedha Police Station and therefore the Accused No.1-Anil Pujari and his brother i.e. the present Applicant i.e. Accused No.2-Sunil Pujari were furious with the deceased. The incident in question has occurred on 7th February 2022. Two brothers i.e. Accused No.1 and the present Applicant as well as two unknown persons assaulted the deceased with fist blows. Accused Nos.1 and 2 carried the deceased on a motorcycle and the other unknown persons also went on an other motorcycle. Thereafter the body of the deceased was found in an agricultural field in the jurisdiction of Sangola Police Station.

4. Mr. Phatate, learned Counsel appearing for the Applicant submitted that the role attributed to the said two unknown persons is also the same as that of the present Applicant. The said unknown persons are Accused No.4-Bhausahab *alias* Anil *alias* Anna Shripati Daingade and Accused No.5-Samadhan Shripati Daingade. Said Accused Nos.4 and 5 have been granted bail by Order dated 10th August 2023 passed by a learned Single Judge (Coram: Anuja Prabhudessai, J.) in Bail Application No.2531 of 2022 with Bail Application No.2536 of 2022. He submitted that the Applicant is incarcerated since 8th February 2022. There is no progress in the trial and even the charge is not framed yet. There are no criminal antecedents against the Applicant.

5. On the other hand, Ms. Kaushik, learned APP appearing for the Respondent-State strongly opposed the Bail Application. She submitted that although this is a case of circumstantial evidence, the Applicant was last seen together with the deceased and that is a very strong circumstance. She submitted that there is recovery of clothes. Therefore, she prayed that Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 7th February 2022, the F.I.R. was lodged on 7th February 2022, the Applicant has been arrested on 8th February 2022 and Charge-sheet has been filed on 13th April 2022. Till date there is no progress in the trial and even the charge is also not yet framed. As per the Charge-sheet there are 12 witnesses proposed to be examined by the prosecution. As far as the role of Accused Nos.4 and 5 in the initial assault is concerned, it is the same as that of the present Applicant. The Accused Nos.4 and 5 have been granted bail by a learned Single Judge by Order dated 10th August 2023. As far as motive is concerned, the deceased was having a relationship outside of marriage with the sister of the Applicant which infuriated the Applicant. The Applicant is aged 29 years. The Applicant is married and he is the sole earning member of his family. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. There are no criminal antecedents against the present Applicant.

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-Sunil Jakappa Pujari be released on bail in connection with C. R. No.135 of 2022 registered with the Sangola Police Station, Taluka-Sangola, District-Solapur on his furnishing P. R. Bond of Rs.40,000/- 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 Sangola Police Station, Taluka-Sangola, District-Solapur once in three months, on the first monday of the month between

11.00 a.m. and 2.00 p.m. until framing of the charge.

- (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.

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 and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]