

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

CRIMINAL BAIL APPLICATION NO. 2220 OF 2024

Jaybya Hunaji Pawar

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Aniket Nikam i/b Bhagyashri Mangale, for the applicant.

Mr. S. M. Mangaonkar, APP for State-Respondent.

Mr. C. C. Patil, HC, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 8th AUGUST, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail in Crime No.863 of 2023 registered with Karmala Police Station, Dist. Solapur, for the offences punishable under Sections 302, 143, 147, 148 and 149 of the Indian Penal Code, 1860.
- 3) The applicant is a 73-year-old person made an accused in the present offence.

4) The deceased is the son-in-law of the applicant. The allegations are that the applicant and his family committed the murder of the deceased because he was ill treating the daughter of the applicant.

5) The learned APP while opposing the present application, relied upon the statement of one Ishwar @ Kailas Dattatray Gosavi, who gave a statement after about more than 15 days and who has stated that he saw the accused persons assaulting the deceased. No probable explanation has come forward in his statement as to why he was silent for more than 15 days and why he did not inform the said fact either to police or the father of the deceased, immediately.

6) In the above referred backdrop, in absence of any sufficient evidence against the applicant and considering the age of the applicant, the period of incarceration and the fact that the charge-sheet has been filed after completion of investigation, I am of the opinion that further custody of the applicant is not necessary. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in No.863 of 2023 registered with Karmala Police Station, Dist. Solapur, for the offences punishable under Sections 302, 143, 147, 148 and 149 of the Indian Penal Code, 1860, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

- iii. The applicant shall attend the said Police Station on 1st day of every month between 10.00 am to 12.00 noon., till the conclusion of the trial except on the date of trial;
- iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;
- vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]