

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

CRIMINAL BAIL APPLICATION NO. 2221 OF 2024

Daivjeet @ Dahivjeet Jayya Pawar ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Aniket Nikam i/b Mrs. B. R. Mangale, Advocate for Applicant.

Mr. S. S. Chaudhari, APP for State-Respondent.

Mr. Popat Tilekar, API, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 2nd SEPTEMBER, 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) This Court vide order dated 8th August, 2024, granted bail to the co-accused Jaybya Pawar. The role of the applicant is similar with the role of the above-referred co-accused.

4) The learned APP is not disputing the said fact. However, the learned APP hinges upon a statement of Amol @ Aaba Bibhishan Dain to oppose the present application. While opposing the bail application of Jaybya Pawar, the reliance was placed on the statement of Ishwar @ Kailas Dattatray Gosavi. This Court while considering the statement of Ishwar has observed that the said witness had given the statement after 15 days of the incident without any probable explanation. Same is the case with the witness Amol Dain. The incident is dated 12th November, 2023 and he gave the statement on 1st December, 2023. Even he has not given any probable explanation for such a delay.

5) In that view of the matter, the applicant is entitled for grant of bail on parity. 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.]