

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

BAIL APPLICATION NO. 3221 OF 2023

Ashok Jabjab Pawar

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. S. R. Mishra, Advocate for Applicant.

Mrs. Veera Shinde, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 10th JULY, 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.61 of 2021, registered with Phaltan (Rural) Police Station, District: Satara for the offences punishable under Sections 302, 307, 143, 147, 148, 436 of Indian Penal Code (for short 'IPC') and Sections 3(1)(r)(s), 3(2)(va), 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3) The allegations against the present applicant is that, out of a land dispute, the applicant with the help of co-accused Kundalik Krishna Bhagat, Satish Uttam Bhagat, Raju More, Kumar More and Sunil More committed murder of the deceased.

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4) Having gone through the charge-sheet and considering the material collected by the Investigating Officer during the investigation, it is evident that the applicant was not present on the spot of the incident or moreover no specific role is attributed to the applicant. Except for the CDR, there is no evidence available on record to connect the applicant with the alleged offence.

5) In absence of any material to connect the applicant with the alleged offence and furthermore considering the fact that the co-accused Dnyaneshwar against whom similar allegations were made, has been granted bail, I am of the opinion that the applicant is entitled to grant bail on parity.

6) In the circumstances, though the learned APP strongly opposing the application on the ground that there are antecedents, in absence of any material in the present offence against the applicant, the bail can not be denied on the ground of antecedents. Hence, I pass the following order.

ORDER

- i. Criminal Bail Application No.3674 of 2023 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.61 of 2021, registered with Phaltan (Rural) Police Station, District: Satara for the offences punishable under

Sections 302, 307, 143, 147, 148, 436 of IPC and Sections 3(1)(r)(s), 3(2)(va), 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

iii. The Applicant shall attend the Police Station on every 1st and 16th day of month between 11:00 am to 12:00 noon till conclusion 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 for 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.]