

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

CRIMINAL BAIL APPLICATION NO. 3272 OF 2023

Sagar Dattatray Chougule

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Dnyanesh Patil i/by Mr. Aditya Raktade Advocates, for the Applicant.

Ms. Supriya Kak, APP, for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 12th March 2024

P. C.

1. Heard Mr. Patil, learned Counsel for the Applicant and Ms. Kak, 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.	1548 of 2020
2.	Date of registration of F.I.R.	8th December 2020
3.	Name of Police Station	Karveer, District-Kolhapur
4.	Section/s invoked	302, 504, 506 r/w 34 of <i>I.P.C.</i> , 1860;
5.	Date of incident	7th December 2020
6.	Date of arrest	8th December 2020
7.	Date of filing of Charge-sheet	March 2021

3. As per the prosecution case, there are total two Accused. Accused No.1 is Deepak Pawar and the present Applicant is Accused No.2. The deceased had taken some money from the Accused No.1 and he was not returning the said amount despite demands from time to time and therefore, the incident had occurred, in which the Accused No.1- Deepak Pawar and the present Applicant assaulted the deceased and the deceased succumbed to the resultant injuries.

4. Mr. Dnyanesh Patil, learned Counsel for the Applicant submitted that the only evidence against the Applicant is that the informant, who is the wife of the deceased telephoned her husband and heard her husband taking the names of Accused No.1- Deepak and the present Applicant on her mobile phone. Apart from that there is no evidence against the Applicant and the entire case is of circumstantial evidence. He submitted that the Applicant is in custody since 8th December 2020 and even the Charge is also not framed. He submitted that although there are two antecedents of the year 2016, the Applicant has been granted bail in those cases.

5. On the other hand, Ms. Kak learned APP vehemently opposed the Bail Application and submitted that there is ample evidence to show that the Applicant was last seen together with the deceased along with Accused No.1-Deepak. She submitted that the Applicant is a habitual offender and there are two antecedents against him bearing C.R. No.

218 of 2016 of Laxmipuri Police Station and C.R. No. 92 of 2016 of Rajarampuri Police Station. Therefore, she submitted that Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 8th December 2020, the Charge-sheet is filed in or about March 2021 and till date, there is no progress in the trial. Even the Charge is also not framed. As per the Charge-sheet, the Prosecution proposes to examine about 28 witnesses. The trial is likely to take a considerably long time. Except for last seen together and the statement of the wife of the deceased that she heard the deceased taking name of Accused No.1-Deepak and of the present Applicant on phone, there is no other incriminating evidence against the Applicant. The case is of circumstantial evidence.

7. Mr. Patil, learned Counsel appearing for the Applicant states that as several witnesses are residing in the Kolhapur District, the Applicant will therefore not reside within District-Kolhapur and that the Applicant will reside at c/o Pramod Bajrang Vasudev, Vidyanagari Road, Ramanand Residency, Lane No.1, Vishram Bag, Sangli at District - Sangli.

8. The antecedents are of the year 2016 and the Applicant is enlarged on bail in those cases.

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 - Sagar Dattatray Chougule be released on bail in connection with C. R. No.1548 of 2020 registered with the Karveer Police Station, District - Kolhapur on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall not enter the Kolhapur district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.

(c) 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.

(d) The Applicant shall report to the Sanjay Nagar Police Station, District - Sangli once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Sanjay Nagar Police Station, District-Sangli to communicate details thereof to the Investigating Officer.

(e) 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.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witnesses in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) 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 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.]