

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

CRIMINAL BAIL APPLICATION NO. 3674 OF 2023

Dyneshwar @ Commando
@ Kimam Ashok Pawar ...Applicant
Versus
State Of Maharashtra And Anr. ...Respondents

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

Mr. Pankaj Deokar, APP for the Respondent – State.

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CORAM : ANIL S. KILOR, J.
DATE : 11th JUNE, 2024.

P.C.:

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. Learned Counsel for the Applicant points out that there is no evidence available on record against the Applicant and no role is attributed to the Applicant in the alleged offence. It is further pointed out that the co-accused has been granted bail by this Court

vide order dated 7th September, 2023 in Criminal Bail Application No.1148 of 2022. It is further submitted that the Applicant is in jail from last two years and since the charge-sheet is filed, further custody of the Applicant is not required.

4. On the other hand, learned APP strongly opposed the application and submits that since the offence is serious, the bail may not be granted.

5. After going through the charge-sheet and the allegations made in the FIR, I find substance in the submissions of the learned Counsel for the Applicant that no role is attributed to the Applicant. Furthermore, nothing is pointed out to *prima facie* arrive at a conclusion that the Applicant is involved in the alleged offence. In addition to this, the co-accused Kalpana Ashok Pawar has been granted bail by this Court. Thus, considering the above referred facts, I am of the opinion that Applicant is entitled for grant of bail. Accordingly, the Application is allowed.

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 PR. 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 off, accordingly.

(ANIL S. KILOR, J.)