

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.369 OF 2024

Samir *alias*

Tausif Sajid Bagwan

.Applicant

Versus

The State of Maharashtra

.Respondent

Ms. Shubhangi Parulekar, Advocate, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent – State.

Mr. Mohsin Pathan, A.P.I.-Kondhwa Police Station, Pune City,
present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 08.02.2024

P. C.

1. Heard Ms. Parulekar, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent-State.

2. This Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	725 of 2022
2.	Date of Registration of F.I.R.	15.07.2022
3.	Name of Police Station	Kondhwa Police Station, Pune district
4.	Section invoked	302 of the I.P.C., 1860
5.	Date of incident	13.07.2022
6.	Date of arrest	15.07.2022
7.	Date of filing Charge-sheet	25.09.2022

3. As per the prosecution case, the Applicant – Mr. Samir Bagwan and the deceased – Mr. Suresh Kasotia were consuming liquor from 10.00 a.m. to 1.00 p.m. in an open ground near Reliance Smart Mall, Khadi Machine Chowk, Pune on 13.07.2022. Thereafter, some altercation occurred between the Applicant and the deceased. The Applicant assaulted the deceased with a wooden log.

4. Ms. Shinde, learned APP appearing for the Respondent – State vehemently opposed the Bail Application on the ground that there are five antecedents and the Applicant has been externed for a period of two years from Pune by Order dated 04.04.2019 and that there is also a detention Order of the Commisioner of Police-Pune City dated 21.09.2021. She also submitted that there are about 27 injuries on the body of the deceased.

5. A perusal of the record shows that the incident occurred as a result of a sudden quarrel and at a time when both the Applicant and the deceased were under the influence of alcohol as both were consuming liquor from 10.00 a.m. to 1.00 p.m. at the said open ground.

6. The F.I.R. in the present case has been lodged on 15.07.2022 and the Applicant was arrested on the very day i.e. 15.07.2022. Charge-sheet was filed on 25.09.2022. As per the Charge-sheet, there are about 22 witnesses to be examined by the prosecution.

7. Five antecedents, on which Ms. Shinde, learned APP appearing for the Respondent-State has relied upon, are as under:-

SR. NO.	POLICE STATION	C. R. NUMBER	SECTION/S
1.	Swargate Police Station	445 of 2018	380 of the Indian Penal Code, 1860
2.	Dattawadi Police Station	12 of 2018	380 of the Indian Penal Code, 1860
3.	Swargate Police Station	147 of 2017	379 of the Indian Penal Code, 1860
4.	Swargate Police Station	280 of 2013	392 of the Indian Penal Code, 1860
5.	Swargate Police Station	250 of 2013	380 & 457 of the Indian Penal Code, 1860

The said antecedents show that they are of the years 2013, 2017 & 2018. The Applicant had been externed from Pune for a period of two years by Externment Order No. 12/2019 (Swargate Police Station) dated 04.04.2019 and after the said externment period was over, the present offence has been committed by the

Applicant. There is also a detention Order dated 21.09.2021, however, no period of detention is mentioned in the said Order.

8. It is an admitted position that investigation has been completed and Charge-sheet has been filed on 25.09.2022. There are 22 witnesses as per the Charge-sheet. The trial is likely to take a considerably long time.

9. Ms. Parulekar, learned Counsel appearing for the Applicant states that as several witnesses are residents of Pune district, the Applicant will therefore not reside within Pune district and that the Applicant will reside at 'Mullaba Ki Tekdi', Near Solapur Jail, District - Solapur.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant - Samir *alias* Tausif Sajid Bagwan be released on bail in connection with C. R. No.725 of 2022 registered with the Kondhwa Police Station, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like

amount, except if the Applicant is required in some other case and subject to the period of the said detention Order dated 21.09.2021.

(b) The Applicant shall not enter the Pune District after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial in this case as well as other cases.

(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 Jail Road Police Station, District - Solapur twice a week for a period of six months, on every Sunday and on Wednesday between 11.00 a.m. and 1.00 p.m. and thereafter, once a week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Jail Road Police Station, District-Solapur 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 evidence and shall

not contact or influence the Complainant or any 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.

[MADHAV J. JAMDAR, J.]