



PMB

16.ba.856-24.doc

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

BAIL APPLICATION NO.856 OF 2024

SAMIR PAWAN SONAWANE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Vedant Bende h/f Adv. Onkar Mane for the applicant.
Mr. Swapnil V. Walve, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 15, 2024.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 323, 324, 364, 506 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 11.10.2023 vide C.R. No.530 of 2023 with Otur Police Station, Pune.
- 3.** The FIR was registered on 11.10.2023 with the Otur Police Station, Pune. The co-accused – Deepak Yashwant Wagh was enlarged on bail by an order dated 19.12.2023 in Bail Application No.3948 of 2023. The order reads thus :-

"2. This is an application for bail in respect of the offence punishable under Sections 323, 324, 364, 506 read with 34 of the Indian Penal Code registered on 11/10/2023 vide C.R. No.530 of 2023 with Otur Police Station, Pune.

3. It is the case of the informant that at around 1.00 p.m. when the informant came near Otur bus stand, one unknown person came and kept his hand on the shoulder of the informant. The applicant and one Sameer Sonawane on a black motorcycle also came there. The informant was abducted and forced to sit on the motorcycle. The informant somehow jumped from the motorcycle and escaped. Learned counsel for the applicant submitted that the informant is a habitual offender and an FIR has been lodged under Section 379 of the IPC at Vakola Police Station. It is further submitted that the applicant's wife delivered a child on 21/11/2023.

4. The applicant was arrested on 11/10/2023. The applicant does not appear to be a flight risk. Though the investigation is on, further custody of the applicant is not necessary. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. No criminal antecedents are reported."

4. Learned APP while opposing the application for bail submitted that the applicant suspected that the complainant was having an affair with his sister. The offence was therefore committed by the applicant and other accused to teach the complainant a lesson.

5. I find that as the co-accused – Deepak Yashwant Wagh has been enlarged on bail, in the facts and circumstances of

the present case and considering that the applicant was arrested on 12.10.2023, the investigation is complete and the charge-sheet is filed, the present applicant can also be enlarged on bail. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed;
- (b) The applicant-Samir Pawan Sonawane in connection with C.R. No.530 of 2023 registered with Otur Police Station, Pune shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount;
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety;
- (d) The applicant to report to the Investigating Officer of Otur Police Station, Pune once in six months every first Monday of the concerned month between 11:00 a.m. and 1:00 p.m. commencing May 2024;
- (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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence;

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change;

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

(h) The applicant shall not contact, threaten or intimidate the complainant or witnesses.

6. The bail application is disposed of.

(M. S. KARNIK, J.)