

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

BAIL APPLICATION NO. 993 OF 2024

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| 1. | Kisan Gunya Wagh | |
| 2. | Umi Kisan Wagh | .Applicants |

Versus

The State of Maharashtra	.Respondent
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Mr. Sarvajit B. Patil, Advocate, for the Applicants
 Ms. Supriya Kak, APP, for the Respondent – State.
 Mr. V. N. Bivade, PSI, Pali Police Station, Pali, District – Raigad present

CORAM: MADHAV J. JAMDAR, J.
DATE: 11.03.2024

P. C.

1. 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.	118 of 2021
2.	Date of registration of F.I.R.	18.11.2021
3.	Name of Police Station	Pali Police Station, Pali, District - Raigad
4.	Sections invoked	302, 201 r/w. 34 of the I.P.C., 1860
5.	Date of incident	17.11.2021
6.	Date of arrest	19.04.2021
7.	Date of filing of Charge-sheet	09.02.2022

2. The Applicant Nos.1 & 2 are husband and wife. The deceased is

the husband of the sister of the Applicant No.2. The deceased was a habitual alcoholic. It appears that on 17.11.2021, some altercation took place and the Applicants assaulted the deceased and the deceased died during the said assault. Thereafter, the Applicants made an attempt to portray the death of the deceased as a suicide and thereafter, dropped the mortal remains at some distant place.

3. Ms. Kak, learned APP appearing for the Respondent – State vehemently opposed the Bail Application. She submitted that the Applicants not only mercilessly assaulted the deceased resulting in his death but also tried to destroy the evidence.

4. A perusal of the record shows that the incident in question has taken place on 17.11.2021. The Applicants were arrested on 19.04.2021. The Applicant No.1 is 68 years old and the Applicant No.2 is 63 years old. *Prima facie*, it appears the incident in question has taken place on the spur of the moment and without any pre-planning. The investigation papers do not show that there are any antecedents.

5. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

6. The Applicants do not appear to be at risk of flight.

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

ORDER

(a) The Applicants - Kisan Gunya Wagh and Umi Kisan Wagh be released on bail in connection with C.R. No. 118 of 2021 registered with the Pali Police Station, Pali, District- Raigad on their furnishing P.R. Bond of Rs.10,000/- each with one or two sureties in the like amount.

(b) The Applicants are permitted to furnish cash bail surety in the sum of Rs.10,000/- each for a period of four weeks in lieu of surety.

(c) On being released on bail, the Applicants shall furnish their cell phone numbers and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicants shall report to the Pali Police Station, Pali, District – Raigad on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(e) The Applicants 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 Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

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

(h) The Applicants shall surrender their passports, if any, to the Investigating Officer.

8. The Bail Application is disposed of accordingly.

9. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]