

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

BAIL APPLICATION NO.1090 OF 2024

Amit *alias* Gangya Arun Sonawane

.Applicant

Versus

The State of Maharashtra

.Respondent

Ms. Payoshi Roy (through VC) i/b. Mr. Hasan Nizami, Advocate, for the Applicant.

Mr. Sameer M. Mangaonkar, APP, for the Respondent – State.

Mr. J. R. Waje, P.S.I., Ghodegaon Police Station, Pune (Rural) present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 19.03.2024

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1. Heard Ms. Roy, learned Counsel for the Applicant and Mr. Mangaonkar, 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.	9 of 2023
2.	Date of registration of F.I.R.	17.01.2023
3.	Name of Police Station	Ghodegaon – Pune (Rural)
4.	Section/s invoked	302, 364, 201, 506 r/w. 34 of the IPC
5.	Date of incident	15.01.2023
6.	Date of arrest	17.01.2023
7.	Date of filing of Charge-sheet	18.04.2023

3. As per the prosecution case, Accused Nos.1 to 3 and the deceased are friends. Accused No.1 had borrowed an amount of

Rs.40,000/- from the deceased. The incident in question had taken place on 15.01.2023 at 9.00 p.m. near the canal. As per the prosecution case, some altercation took place amongst Accused No.1, the deceased and other Accused on account of the deceased demanding the said amount of Rs.40,000/- from Accused No.1 and the incident in question has taken place where the Accused have assaulted the deceased with stones.

4. Ms. Roy, learned Counsel for the Applicant submitted that the only evidence against the present Applicant is that the Applicant was last seen together with the deceased. She submitted that there is no recovery at the instance of the Applicant. The statements of witnesses have been recorded two days after the incident. She submitted that the case is of circumstantial evidence and there is no incriminating material against the Applicant.

5. Mr. Mangaonkar, learned APP for the Respondent – State vehemently opposed the Bail Application. He submitted that the Applicant was last seen together and all the Accused have assaulted the deceased with stones. He pointed out the Certificate issued by the Medical Officer stating therein that the stones weigh 3 Kg and 7 Kg and the injuries are possibly due to the assault by the said stones.

6. A perusal of the record shows that the incident in question has taken place on 15.01.2023. The Applicant was apprehended on 17.01.2023. F.I.R. was lodged on 17.01.2023. Charge-sheet was filed 18.04.2023. As per the Charge-sheet, the prosecution intends to

examine 51 witnesses. The trial is likely to take a considerably long time.

7. *Prima facie*, there is substance in the contention raised by learned Counsel appearing for the Applicant that except last seen together, there is no other incriminating material against the Applicant.

8. The Applicant does not have any criminal antecedents.

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 - Amit alias Gangya Arun Sonawane be released on bail in connection with C. R. No. 9 of 2023 registered with the Ghodegaon Police Station, Pune (Rural) on his furnishing P. R. Bond of Rs. 25,000/- with one or two local solvent sureties in the like amount.

(b) 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.

(c) The Applicant shall report to the Ghodegaon Police Station, Pune (Rural) once every month i.e. on the first Sunday between 11.00 a.m. and 1.00 p.m. until the

conclusion of the trial.

(d) 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.

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

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

(g) 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, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]