



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

CRIMINAL BAIL APPLICATION NO. 1442 OF 2023

Sachin Sukhdev Bhalerao	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
INTERIM APPLICATION NO.1794 OF 2023
IN
CRIMINAL BAIL APPLICATION NO. 1442 OF 2023**

Sudhir Ashok Bhalerao	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Abhishek R. Avachat a/w. Mr. S. H. Deshpande, for the Applicant.

Mr. Tushar Sonawane a/w. Ms. Pooja Satpute, for the Original Complainant.

Mr. P. H. Gaikwad, APP for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 8th JANUARY 2024**

P.C. :

1. Heard Mr. Avachat, learned Counsel appearing for the Applicant, Mr. Sonawane, learned Counsel appearing for the Intervenor/Original Complainant and Mr. Gaikwad, learned APP appearing for the Respondent/State.

2. This is a regular Bail Application filed under Section 439 of the *Code of Criminal Procedure, 1973* by the Applicant who is the sole Accused.

3. The relevant details are as follows:-

1	C.R. No.	750 of 2022
2	Date of Registration of F.I.R.	19/11/2022
3	Police Station	Pandharpur Taluka
4	Sections Applied	302, 307, 504, 506 of the IPC, 1860
5	Date of Incident	18/11/2022
6	Date of Arrest	20/11/2022
7	Date of filing of Chargesheet	16/02/23

4. The material on record shows that the weapon used is a wooden log. The deceased died five days after the incident. There was a dispute between the two brothers i.e. the Applicant and the Informant over the boundary of the farms which are adjoining each other. The villagers tried to intervene in the said dispute. At that time, the Applicant was enraged due to the intervention by the villagers.

5. The deceased is one of the villager and he had intervened in the dispute between the Applicant and the Informant. The quarrel between the Applicant and the Informant occurred at 3.00 p.m. on

18th November 2022. The incident in which the Applicant assaulted the deceased, occurred at 6.30 p.m. on the same day. It is the prosecution case that the Applicant assaulted the deceased from the rear with a wooden log. The deceased was being treated for the resultant injuries in the hospital for five days and he eventually died.

6. It is the contention of Mr. Gaikwad, learned APP and Mr. Sonawane, learned Counsel appearing for the Intervenor/Original Complainant that there are eye-witnesses. The quarrel between the Applicant and the Informant occurred at 3.00 p.m. and the incident in question occurred at 6.30 p.m. on 18th November 2022. At 3.00 p.m., as the deceased intervened in the quarrel between the Applicant and the Informant, the Applicant threatened the deceased. The Applicant came with the preparation to kill the deceased. It is their submission that there is motive as well as the incident has not occurred during the quarrel but the same has occurred subsequently and the same is pre-planned. It is submitted that the Applicant assaulted the deceased with an intention to kill the deceased.

7. However, the factual position on record shows that the investigation is completed and Chargesheet has been filed. There are a total of 26 witnesses as per the Chargesheet. The trial is unlikely to

conclude any time soon and is likely to take a considerably long time.

The present Applicant does not have any criminal antecedents.

8. The actual incident also shows that the Applicant has used a wooden log. The deceased was in the hospital for about five days and thereafter, he succumbed to the resultant injuries. The incident occurred during the dispute between the two brothers when the deceased tried to intervene in the same.

9. The present Applicant does not have any criminal antecedents.

10. The Applicant does not appear to be a flight risk.

11. Mr. Avachat, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, therefore, the Applicant will reside outside the jurisdiction of Taluka Pandharpur, District Solapur and the Applicant will reside at C/o. Dadasaheb Pirgonda Patil, village Nandre, Taluka Miraj, District Sangli.

12. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

ORDER

(a) The Applicant-Sachin Sukhdev Bhalerao be released on bail in connection with C.R. No.750 of 2022 registered with the Pandharpur

Taluka Police Station, District Solapur on his furnishing Personal (PR.) Bond of Rs.25,000/- with one or two sureties in the like amount.

(b) The Applicant shall not enter the area of Taluka Pandharpur, District Solapur after being released on bail except for reporting to the Investigating Officer, if called and for attending the trial.

(c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer while residing outside Taluka Pandharpur, District Solapur and shall keep the same updated, in case there is any change.

(d) The Applicant shall report to the Sangli Gramin (Rural) Police Station, District Sangli once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of trial. The Police Inspector of Sangli Gramin (Rural) Police Station, District Sangli 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 him/her from disclosing the facts to Court or any Police Officer.

(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.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Application is disposed of.

14. In view of the disposal of the Bail Application, the Interim Application is also disposed of.

[MADHAV J. JAMDAR, J.]