

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

**BAIL APPLICATION NO. 1920 OF 2024**

Popat Mohan Yewale

.Applicant

*Versus*

The State of Maharashtra

.Respondent

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Mr. Umesh H. Pawar, Advocate, for the Applicant.

Ms. Savita M. Yadav, APP, for the Respondent – State.

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**CORAM: MADHAV J. JAMDAR, J.**

**DATE: 06.05.2024**

**P. C.**

1. Heard Mr. Pawar, learned Counsel for the Applicant and Ms. Yadav, 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.                      | 88 of 2022                                                           |
| 2. | Date of registration of F.I.R. | 28/04/2022                                                           |
| 3. | Name of Police Station         | Aundh-Satara.                                                        |
| 4. | Section/s invoked              | 302, 324, 341, 143, 147, 148 and 149 of the Indian Penal Code, 1860. |
| 5. | Date of incident               | 27/04/2022                                                           |
| 6. | Date of arrest                 | 28/04/2022                                                           |
| 7. | Date of filing of Charge-sheet | 28/07/2022                                                           |

3. The Informant is the mother of the deceased-Vishal. As per the prosecution case, close relatives of the Informant namely Popat Mohan Yewale i.e. the present Applicant and Manoj Mohan

Yewale were residing near their house at Village-Vadi, Taluka-Khatav, District-Satara. The wife-Pratiksha of the deceased-Vishal was not cohabiting and she was residing at her matrimonial house. The said Popat and Manoj are maternal uncles of said Pratiksha. On account of said Pratiksha not cohabiting with Vishal, quarrels used to break out between these people.

4. On the date of the incident i.e. on 27th April 2022 at about 8:00 p.m., the Informant found that Vishal's vehicle was parked outside the house of one Atmaram Yewale and a quarrel was going on between Vishal and the Accused No.1-Popat Mohan Yewale i.e. the present Applicant, Accused No.2-Manoj Mohan Yewale, Accused No.3-Vandana Popat Yewale, Accused No.4-Vaishali Mohan Yewale and Accused No.5-Karan Popat Yewale. They were assaulting the deceased-Vishal with a stick, iron rod, and knife. The role attributed to the present Applicant i.e. Accused No.1-Popat Mohan Yewale is that he has assaulted the deceased with an iron rod.

5. Mr. Pawar, learned Counsel for the Applicant states that there is no progress in the trial and even the charge is also not framed. Therefore, the trial will take a long time. He states that there are no antecedents against the Applicant. He pointed out statement of Dadaso Appa Yewale-father of the deceased, who has made a

contradictory statement (Page 162-163 and Page 164-165).

6. Ms. Yadav, learned APP strongly opposed the Bail Application. He submitted that the Applicant has played a major role in the offence and that he has assaulted the deceased with an iron rod. He submitted that there is recovery of the iron rod at the instance of the Applicant.

7. It is true that the role attributed to the present Applicant is that he has assaulted the deceased with an iron rod on his head. However, statement of Dadaso Appa Yewale, father of the deceased recorded under Section 164 of the CrPC shows that no role is attributed to the present Applicant.

8. The Applicant is under incarceration since 28<sup>th</sup> April 2022 i.e. since about 2 years. There is no antecedent against the Applicant.

9. The Accused Nos.4 and 5 have already been released on bail by a learned Single Judge [Coram: S. M. Modak, J] by Order dated 12<sup>th</sup> December 2023. The Accused No.3-Vandana Popat Yewale has been granted bail by this Court by Order dated 29<sup>th</sup> January 2024. The Accused No. 2 has been granted bail by this Court by Order dated 12.04.2024.

10. It is an admitted position that investigation has been

completed and that Charge-sheet has been filed on 28<sup>th</sup> July 2022. As per the Charge-sheet, there are 24 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

11. Mr. Pawar, learned Counsel for the Applicant, on instructions, states that as the witnesses are from Taluka-Khatav, District-Satara, the Applicant will reside at C/o. Sandip Raghunath Jadhav, At Post Near Gaundhar, Aarvi, Taluka-Koregaon, District-Satara, 415 116 till the conclusion of the trial.

12. The Applicant does not have any criminal antecedents.

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

14. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

15. In view thereof, the following order:-

### **ORDER**

(a) The Applicant – Popat Mohan Yewale be released on bail in connection with C.R. No.88 of 2022 registered with the Aundh Police

Station, District - Satara on his furnishing P.R. Bond of Rs.25,000/ with one or two sureties in the like amount.

(b) The Applicant shall not enter the Khatav Taluka, District-Satara 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 and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall report to the Rahimatpur Police Station, Taluka - Koregaon, District – Satara once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Rahimatpur Police Station, Taluka – Koregaon, District – Satara 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 prosecution evidence and shall not contact or influence the Complainant or any witness 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.

16. The Bail Application is disposed of accordingly.

17. It is clarified that 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.]