

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

BAIL APPLICATION NO.1869 OF 2023

Dattatraya Maruti Sarak

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Babita Pandey a/w. Mr. Dinesh Sonawane & Mr. Vikas B. Shivgan,
Advocate, for the Applicant.

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

CORAM:MADHAV J. JAMDAR, J.

DATE :04.03.2024

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1. Heard Ms. Pandey, learned Counsel appearing for the Applicant and Ms. Yadav, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The Applicant is Accused No. 2.

The relevant details are as follows:-

1.	C. R. No.	167 of 2022
2.	Date of registration of F.I.R.	10.05.2022
3.	Name of Police Station	Lonand Police Station, Satara
4.	Sections invoked	302, 143, 147, 148, 149, 201 and 120B of the I.P.C., 1860; 4 & 25 of the Arms Act, 1959;
5.	Date of incident	10.05.2022
6.	Date of arrest	09.08.2022
7.	Date of filing of Charge-sheet	03.11.2022

3. As per the prosecution case, there are in all four Accused and one child in conflict with law. The prosecution case is that the deceased was

harassing the sister of Accused No.3 and on that count, Accused Nos.1 to 4 committed murder of the deceased – Mr. Rahul Mohite.

4. Ms. Pandey, learned Counsel appearing for the Applicant submitted that the Applicant is behind bars since 09.08.2022. Charge-sheet has been filed on 03.11.2022. Ms. Pandey, learned Counsel appearing for the Applicant submitted that only charge is framed and there is no further progress in the trial.

5. On the other hand, Ms. Yadav, learned APP appearing for the Respondent – State submitted that the Accused have killed the deceased with pre-planning. She submitted that as the deceased was harassing the sister of Accused No.3, all the Accused committed murder of the deceased – Mr. Rahul Mohite. She submitted that the trial has already commenced and two witnesses have been examined. She submitted that the prosecution is going to examine about 23 witnesses. She submitted that there is a recovery of motor cycle at the instance of the Accused No. 1 and Sword is also recovered at the instance of Accused No.2. She, therefore, submitted that bail may not be granted to the Applicant.

6. A perusal of record shows that the incident in question has taken place on 10.05.2022. F.I.R. has been registered on 10.05.2022. The Applicant has been apprehended on 09.08.2022. Charge-sheet has been filed 03.11.2022. As per the prosecution, there are 36 witnesses

proposed to be examined by the prosecution. Ms. Yadav, learned APP appearing for the Respondent – State, on instructions, states that 23 witnesses will be examined by the prosecution. Therefore, trial will take time to conclude.

7. The Charge-sheet shows that sister of Accused No.3 was being harassed by the deceased as he was insisting for a relationship with the sister of Accused No.3 who is wife of Accused No. 4 and therefore, all the Accused have committed murder of the deceased.

8. The trial is likely to take a considerably long time.

9. The Applicant does not have any criminal antecedents.

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

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

ORDER

(a) The Applicant - Dattatraya Maruti Sarak be released on bail in connection with C. R. No.167 of 2022 registered with the Lonand Police Station, District - Satara on his furnishing P. R. Bond of Rs.25,000/- with one or two 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 Lonand Police Station, District-

Satara on the first Sunday of every week 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.]