



Diksha Rane

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

CRIMINAL APPEAL NO.1174/2023

ANANTA @ ANANDA @ ANNASAHEB
SITARAM JADHAV

..APPELLANT

VS

THE STATE OF MAHARASHTRA & ANR

..RESPONDENTS

Adv. Dr. Uday P. Warunjikar a/w. Adv. Sonali R. Chavan, Adv.
Uzma Pathan for the appellant.

Smt. S. D. Shinde, APP for the State.

Adv. Trupti Khamkar for the respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 13, 2024.

JUDGMENT :

1. Heard learned counsel for the appellant, learned APP for the State and learned counsel for the respondent no.2.
2. This appeal is filed for seeking bail in connection with C. R. No.843/2021 registered with Chakan Police Station, Mumbai, for the offence punishable under Sections 302, 307 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter 'the Atrocities Act' for short).

3. There are in all nine accused. The appellant is the accused no.5. The date of the incident is 17/7/2021. The case of the prosecution is that the deceased Balu Gawade was a married man having two children. He was in a love relationship with 'P', the 21 years old daughter of the accused no.1. The family of 'P' was not happy with such relationship. The family members of 'P' assaulted Balu Gawade and deceased Rahul Gawade, who is the friend of deceased Balu Gawade.

4. The accused no.1 is the main accused who died while in custody. So far as the present appellant is concerned, he is the maternal uncle of 'P'. The present appellant is alleged to have used a wooden log to assault deceased Balu Gawade. 'P' alleged that the appellant and others assaulted the deceased. No specific role is attributed to the present appellant. So far as the deceased Rahul is concerned, no role is attributed to the present appellant.

5. I have perused the statements of the eye witnesses. There are some discrepancies in the statements. However, considering the role of the appellant and fact that the appellant is in custody from 17/7/2021, almost two and half

years as an under-trial with no possibility of the trial concluding any time soon, I am inclined to enlarge the appellant on bail. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the appellant. The appellant does not appear to be a flight risk. The observations are *prima facie*. Hence, the following order :-

ORDER

- (a) The appeal is allowed.
- (b) The appellant in connection with C.R. No.843/2021 registered with Chakan Police Station, Mumbai, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The appellant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The appellant 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 from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the appellant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The appellant shall attend the trial regularly.

(g) The appellant shall surrender his passport to the investigating officer.

6. The appeal is disposed of.

7. I appreciate the assistance rendered by Ms. Trupti Khamkar, learned Advocate, who appeared on behalf of the respondent no.2. Her engagement be regularized by the Maharashtra Legal Aid Services Authority.

(M. S. KARNIK, J.)