



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2357 OF 2023

Sarang Arjun Gawali

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Nitin Gaware Patil a/w. Mr. Shantanu Kollhe, Advocates, for the Applicant.

Ms. S. S. Kaushik, APP, for the Respondent-State.

Mr. N. S. Gore, Head-Constable Kurduwadi Police Station, Solapur Rural present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 11th MARCH 2024

PC:-

1. Heard Mr. Gaware Patil, learned Counsel for the Applicant and Ms. Kaushik, 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.	512 of 2022
2.	Date of registration of F.I.R.	08/12/2022
3.	Name of Police Station	Kurduwadi Police Station, Solapur (Rural), District-

		Solapur
4.	Section/s invoked	307, 323, 324, 327, 341, 143, 147, 148, 149, 506 of the I.P.C., 1860. 4 and 25 of the Arms Act, 1959 135 of the Maharashtra Police Act, 1951
5.	Date of incident	09/12/2022
6.	Date of arrest	09/12/2022
7.	Date of filing of Charge-sheet	01/03/2023

3. As per the prosecution case, there is some dispute between the Accused and the injured regarding recovery of the rent for allowing the use of the tractor. The injured was not paying the agreed rent to the Accused-Dnyaneshwar Chavan and therefore, the incident in question occurred. The Accused-Dnyaneshwar assaulted the injured with an iron rod. The present Applicant assaulted the injured with the blunt side of a sword and the injured has also been assaulted with a stick.

4. Mr. Gaware Patil, learned Counsel for the Applicant submitted that the incident in question occurred on 7th December 2022, the Applicant was arrested on 9th December 2022 and the Charge-sheet was filed on 1st March 2022. Till date there is no

progress in the trial and even the charge is also not framed yet. He submitted that there are total 5 Accused persons. One is unknown and one is absconding. He submitted that 3 Accused have been arrested and 2 Accused have already been enlarged on bail. He submitted that the Applicant is the only Accused who is behind bars. He submitted that the Accused, to whom role of assault with an iron rod is attributed i.e. Dnyaneshwar and to whom the motive has been attributed, has been enlarged on bail. He submitted that there are 4 antecedents against the Applicant out of which the Applicant has been acquitted in one case and has been enlarged on bail in 2 cases. He submitted that although the Bail Application is rejected by the learned Sessions Judge on the ground that the bail conditions imposed by Order dated 7th November 2020 passed in Criminal Bail Application No.916 of 2020 by a learned Additional Sessions Judge, Barshi, was violated, on the basis of information obtained from google maps location history, it is his contention that the incident in question occurred outside the boundary of Village-Kurdu, Taluka-Madha, District-Solapur. Therefore, it is his submission that the bail condition has not been violated.

5. On the other hand, Ms. Kaushik, learned APP for the Respondent-State strongly opposed the Bail Application. She submitted that the bail condition in earlier case has been violated. Apart from that, she submitted that there are eye-witnesses and the Applicant has participated in the offence and he has been attributed a major role in the crime.

6. Perusal of the record shows that in the present case, the incident in question occurred on 7th December 2022, F.I.R. was lodged on 8th December 2022, the Applicant was arrested on 9th December 2022 and, Charge-sheet was filed on 1st March 2023. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 26 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. Other two Accused have already been enlarged on bail. The role of the Accused-Dnyaneshwar, who has been released on bail, is graver than that of the present Applicant.

8. Mr. Gaware Patil, learned Counsel appearing for the Applicant states that as several witnesses are from Taluka-Madha, District-Solapur, the Applicant will therefore not reside within Taluka - Madha, District – Solapur and that the Applicant will reside at Room No.7, Ganesh Nagar, Puna Road, near Dalve Patil Automobiles, Bale, Solapur, District – Solapur.

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 - Sarang Arjun Gawali be released on bail in connection with C.R. No.512 of 2022 registered with the Kurduwadi Police Station, Solapur Rural, District – Solapur on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

- (b) The Applicant shall not enter the Madha Taluka, District-Solapur after being released on bail, except for reporting to the Investigating Officer, if called.
- (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 Kurduwadi Police Station, District - Solapur 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 Kurduwadi Police Station, District - Solapur 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.

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, and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]