

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

BAIL APPLICATION NO.2484 OF 2023

Vikram Dodha Pawar

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Nitin Gaware-Patil a/w. Mr. Narayan G. Rokade, Mr. Udaysinh Deshmukh & Ms. Pratibha Pawar, Advocates, for the Applicant.

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

Mr. D. D. Bairagi, P. C., B. No. 2857, Satana Police Station, Nashik present.

CORAM : MADHAV J. JAMDAR, J.

DATE : 11.03.2024

P. C.

1. Heard Mr. Gaware-Patil, learned Counsel for the Applicant and Mr. Gaikwad, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973* (“CrPC”). The relevant details are as follows:-

1.	C. R. No.	27 of 2021
2.	Date of registration of F.I.R.	16.01.2021
3.	Name of Police Station	Satana Police Station, Nashik
4.	Sections invoked	307, 326, 504 r/w. 34 of the I.P.C., 1860
5.	Date of incident	16.01.2021
6.	Date of arrest	17.01.2021

3. Mr. Gaware-Patil, learned Counsel appearing for the Applicant submitted that this is the Second Bail Application preferred by the Applicant. The first Bail Application was allowed to be withdrawn by a learned Single Judge [Coram : Nitin W. Sambre, J.] by Order dated 28.09.2022 with liberty to approach afresh before the learned Sessions Court once the charge is framed. He further submitted that the Bail Application filed by the son of the present Applicant, who is also an Accused, was rejected by a learned Single Judge [Coram : Vinay Joshi, J.] by Order dated 25.04.2022 passed in B.A. No.2988 of 2021. Accordingly, this Bail Application is placed before me in terms of the Administrative Order dated 31.08.2023 and 08.02.2023.

4. As per the prosecution case, agricultural fields of the Applicant and the deceased were adjoining each other. It was noticed by the deceased that the mother of the Applicant had dumped some waste grass on the common boundary of the field. Therefore, it was told to the mother of the Applicant that she must not dump waste grass, as the same adversely affects the crop. Therefore, an altercation took place between the Applicant and the deceased and the Applicant assaulted the deceased with a spade on the head, back, and other parts of the body of the deceased.

5. Mr. Gaware-Patil, learned Counsel appearing for the Applicant

submitted that the Applicant was apprehended on 17.01.2021 and till date, there is no progress in the trial except that charge was framed on 15.12.2021. He submitted that the incident in question had taken place on the spur of the moment and without any pre-planning. He submitted that the age of Applicant is 68 years.

6. On the other hand, Mr. Gaikwad, learned APP for the Respondent – State vehemently opposed the Bail Application. He submitted that the Applicant had mercilessly assaulted the deceased with an iron rod. He pointed out the statement of Mr. Dnyaneshwar Ramesh Pawar recorded under Section 164 of the CrPC and submitted that the Applicant has mercilessly assaulted the deceased.

7. A perusal of the record shows that the Applicant is incarcerated since 17.01.2021. Charge was framed on 15.12.2021. However, there is no progress in the trial. As per the Charge-sheet, the prosecution intends to examine about 31 witnesses. The trial is likely to take considerable time. Apart from that, the Applicant is a Senior Citizen aged 68 years. There are no antecedents. *Prima facie*, there is substance in the contention of Mr. Gaware-Patil, learned Counsel appearing for the Applicant.

8. The Applicant does not have any criminal antecedents.

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 - Vikram Dodha Pawar be released on bail in connection with C.R. No.27 of 2021 registered with the Satana Police Station, District - Nashik on his furnishing P.R. Bond of Rs.25,000/- with one or two local 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 Satana Police Station, District – Nashik once a week on Monday 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.]