

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

BAIL APPLICATION NO. 2612 OF 2023

Ravi Tukaram Aathawale

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Jaydeep Mane, Advocate, for the Applicant.

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

CORAM: MADHAV J. JAMDAR, J.

DATE : 06.03.2024

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1. Heard Mr. Mane, learned Counsel appearing for the Applicant and Ms. Kaushik, 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 relevant details are as follows:-

1.	C. R. No.	99 of 2023
2.	Date of registration of F.I.R.	19.02.2023
3.	Name of Police Station	Vijapur Naka Police Station, Solapur
4.	Sections invoked	302 r/w. 34 of the I.P.C., 1860
5.	Date of incident	16.02.2023
6.	Date of arrest	20.02.2023
7.	Date of filing of Charge-sheet	09.05.2023

3. As per the prosecution case, there are total three accused i.e.

Accused No.1 – Sagar Mohan Chandanshive, Accused No.2 – present Applicant and Accused No.3 – Jakir Salim Sayyad. As per the prosecution case, the main motive is attributed to the Accused No.1 that the deceased was giving information against the Accused No.1 to the Contractor. On 16.02.2023 at 10.00 a.m., the deceased was consuming liquor and at that time, the Accused came there and then Accused No.1 started assaulting the deceased with a wooden log and the present Applicant, who is Accused No.2 and Accused No.3 assaulted the deceased with fist and kick blows.

4. Mr. Mane, learned Counsel appearing for the Applicant submitted that the role attributed to the present Applicant is assault with kick and fist blows. He submitted that cause of death is due to head injury. Therefore, the offence under Section 302 of the *Indian Penal Code, 1860* is not made out against the Applicant. He further submitted that there are no antecedents. The Applicant is a labourer residing at the 'Sanjay Gandhi Zopadpatti', Solapur. He, therefore, submitted that bail may be granted to the Applicant.

5. On the other hand, Ms. Kaushik, learned APP appearing for the Respondent – State vehemently opposed the Bail Application. She submitted that the Applicant has assaulted the deceased with fist and kick blows. She submitted that charge is already framed. Therefore,

bail may not be granted to the Applicant.

6. A perusal of the record shows that the incident in question had taken place on 16.02.2023. F.I.R. was lodged on 19.02.2023 and the Applicant was apprehended on 20.02.2023. Charge-sheet has been filed on 09.05.2023. As per the Charge-sheet, the prosecution proposes to examine 19 witnesses. Although the charge was framed on 07.09.2023, there is no further progress in the trial. The role attributed to the present Applicant is of assault with fist and kick blows. Mr. Mane, learned Counsel appearing for the Applicant submitted that there are no antecedents.

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

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. In view thereof, the following order:-

ORDER

(a) The Applicant - Ravi Tukaram Aathawale be released on bail in connection with C. R. No.99 of 2023 registered with the Vijapur Naka Police Station, District- Solapur on his furnishing P. R. Bond of Rs.10,000/- 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 Vijapur Naka Police Station, District - Solapur on the first Sunday once a month 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.

11. The Bail Application is disposed of accordingly.
12. 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.]