

Arjun

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

BAIL APPLICATION NO.2656 OF 2023

Bapuso @ Bajirao Bansilal Chavan ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Kedar J. Patil a/w Pratik G. Tare & Sakshi Kadam, for the Applicant.

Mr. Pankaj Deokar, APP, for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : MARCH 04, 2024

P.C.:

1. Heard Mr. Patil, learned Counsel appearing for the Applicant and Mr. Deokar, 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.	369 of 2022
2	Date of registration of F.I.R.	16/07/2022
3	Name of Police Station	Tasgaon Police Station, District-Sangli
4	Section/s invoked	302 r/w 34 of the <i>I.P.C.</i> ,

		<i>1860; 4 and 25 of the Arms Act, 1959.</i>
5	Date of incident	15/07/2022
6	Date of arrest	16/07/2022
7	Date of filing Charge-sheet	02/10/2022

3. As per the prosecution case, the incident in question has taken place on 15th July 2022 at 08.30 p.m.. On the very day i.e. 15th July 2022, the deceased went to the house of the Accused No.4 and under the influence of alcohol, he assaulted the wife of the Accused No.4. Therefore N. C. was filed on 15th July 2022. It appears that the Accused were angry with the deceased due to said conduct of the deceased and therefore at 08.30 p.m. on 15th July 2022 the Accused have assaulted the deceased. As far as the present Applicant is concerned, as per the prosecution case he has assaulted the deceased with a sickle. As per the Post-Mortem Examination Report, the death of the deceased is due to stab injury to vital organs.

4. Mr. Patil, learned Counsel appearing for the Applicant submitted that the incident in question took place as the deceased under the influence of alcohol had assaulted the Accused No.4 and his wife. He submitted that therefore some quarrel took place and the incident in question has happened on 15th July 2022 at 08.30 p.m. He submitted that investigation is completed and Charge-sheet is filed. The Applicant is behind bar for more than 1 year

and 7 months. The main motive to commit the offence is assigned to Accused No.4 and the Applicant has no motive to commit the offence. He submitted that there are no antecedents against the Applicant. He submitted that therefore the Applicant be granted bail.

5. On the other hand, Mr. Deokar, learned APP strongly opposed the Bail Application. He submitted that the Applicant and the other co-Accused have mercilessly assaulted the deceased with weapons, the Applicant has used a '*koyata*' and therefore the Applicant be not granted bail. However, on instructions he states that there are no antecedents against the Applicant.

6. A perusal of the record shows that the incident in question happened on 15th July 2022. The F.I.R. was lodged on 16th July 2022 and the Applicant was apprehended on 16th July 2022. It is an admitted position that investigation has been completed and Charge-sheet has been filed on 2nd October 2022. As per the Charge-sheet there are 30 witnesses proposed to be examined by the prosecution. As far as the progress of the trial is concerned, only the charge is framed on 2nd February 2023 and there is no further progress in the trial. The trial is likely to take a considerably long time.

7. Mr. Patil, learned Counsel appearing for the Applicant states that as most of the witnesses are from Taluka-Tasgaon,

District-Sangli, the Applicant will therefore not reside within Taluka-Tasgaon, District-Sangli and that the Applicant will reside at C/o. Prakash Vishwas Mandle, Village-Chikurde, Taluka-Walwa, District-Sangli.

- 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-Bapuso @ Bajirao Bansilal Chavan be released on bail in connection with C.R. No.369 of 2022 registered with the Tasgaon Police Station, District-Sangli 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 Taluka-Tasgaon, District-Sangli after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (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 Walwa Police Station, District-Sangli once in a month i.e. on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Walwa Police Station, District-Sangli 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.

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 and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]