

Dusane

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

CRIMINAL BAIL APPLICATION NO.3307 OF 2023

Sanjay @ Sanjubaba Navsu Kavar ...Applicant

Versus

The State of Maharashtra ...Respondents

Ms. Rukmini Khairnar for the Applicant

Ms. Veera Shinde, APP for the Respondent-State.

PSI Sunil Birhade, Wadivarhe Police Station present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 12th JANUARY 2024

P.C.:

1. Heard Ms. Khairnar, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent-State.

2. This is a regular Bail Application filed under Section 439 of the *Code of Criminal Procedure, 1973*.

3. The relevant details are as follows:

1.	C.R. No.	92 of 2023
2.	Date of Registration of F.I.R.	16/04/2023
3.	Police Station	Wadivarhe, District-Nashik
4.	Sections Applied	120B, 143, 147, 201, 302, 364, 506 read with 34 I.P.C.,

		1860
5.	Date of Incident	15/04/2023
6.	Date of Arrest	20/04/2023
7.	Date of filing of Charge-sheet	15/07/2023

4. As per the prosecution case, all the Accused along with their family members were working as labourers at a brick-kiln near village Wangewadi, Ghoti, Taluka-Igatpuri, District-Nashik. The deceased was in a relationship outside of marriage with the wife of Accused No.2. They eloped and the accused persons searched for them and brought them back at the brick-kiln. Due to the said relationship of the deceased and the wife of Accused No. 2, all the other Accused assaulted the deceased and the wife of Accused No.2 as a result of which the deceased succumbed to the injuries suffered in the said assault.

5. It is the submission of Ms. Shinde, learned APP that the Applicant has assaulted on the private parts of the deceased, due to which he died.

6. However, this is a case where the Charge-sheet is already filed. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The present Applicant does not have any criminal antecedents. The incident occurred as the deceased was having a relationship outside of marriage with the wife of Accused No.2 and both of them had eloped.

7. The Applicant does not appear to be a flight risk.
8. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

ORDER

(a) The Applicant Sanjay @ Sanjubaba Navsu Kavar be released on bail in connection with C.R. No.92 of 2023 registered with Wadivarhe Police Station, District-Nashik on his furnishing P.R. Bond of Rs.10,000/- with one or two sureties in the like amount.

(b) After 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 there is any change.

(d) The Applicant shall report to the Wadivarhe Police Station, District-Nashik once every month, on the first Sunday of the month between 11.00 a.m. and 1.00 p.m. till the conclusion of trial.

(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 him or her from disclosing the facts to Court or any Police Officer.

(f) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses 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.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

9. The Application is disposed of.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2024.01.12
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