

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

BAIL APPLICATION NO.3655 OF 2023

Vilas Yashwant Sakore

.Applicant

Versus

The State of Maharashtra

.Respondent

Ms. Shubhangi Parulekar, Advocate, for the Applicant.

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

CORAM: MADHAV J. JAMDAR, J.

DATE: 27.03.2024

P. C.

1. Heard Ms. Parulekar, learned Counsel for the Applicant and Ms. Shinde, 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.	1002 of 2022
2.	Date of registration of F.I.R.	10.11.2022
3.	Name of Police Station	Shikrapur, Pune (Rural)
4.	Sections invoked	302, 201 r/w. 34 of the I.P.C., 1860
5.	Date of incident	10.11.2022
6.	Date of arrest	11.11.2022
7.	Date of filing of Charge-sheet	07.02.2023

3. As per the prosecution case, due to the dispute over partition of ancestral land, the Applicant and other Accused have assaulted the deceased with a *koyta*.

4. Ms. Parulekar, learned Counsel for the Applicant submitted that the case is of circumstantial evidence. Investigation is complete and Charge-sheet has already been filed. She submitted that there are no antecedents. Therefore, bail may be granted to the Applicant.
5. Ms. Shinde, learned APP for the Respondent – State vehemently opposed the Bail Application. She submitted that although the case is of circumstantial evidence, there is a clear motive to commit the offence in question. The Applicant has assaulted the deceased with a sharp weapon i. e. *koyta*. Therefore, bail may not be granted to the Applicant. On instructions, she submitted that there are no antecedents.
6. A perusal of the record shows that the incident has taken place on 10.11.2022. The Applicant was apprehended on 11.11.2022. Charge-sheet was filed on 07.02.2023. As per the Charge-sheet, the prosecution intends to examine 25 witnesses. Till date there is no progress in the trial and even charge is also not framed yet.
7. The trial is likely to take a considerably long time.
8. *Prima facie*, there is substance in the contention of learned Counsel for the Applicant that the case is of circumstantial evidence and that the incident has taken place due to a dispute over partition of ancestral land.
9. The Applicant does not have any criminal antecedents.
10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
12. In view thereof, the following order:-

ORDER

(a) The Applicant - Vilas Yashwant Sakore be released on bail in connection with C.R. No.1002 of 2022 registered with the Shikrapur Police Station, Pune (Rural) on his furnishing PR. 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 Shikrapur Police Station, Pune (Rural) on the first Sunday of every 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.

13. The Bail Application is disposed of accordingly.

14. 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.]