



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

BAIL APPLICATION NO. 4251 OF 2023

RAHUL SIDDHARTH PAWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Raviraj Paramane a/w Mr. Shubham Singh, for the
Applicant.

Mr. S.A. Karmakar, APP for the State.

API- - Mr. Dattatray Suresh Pwar, Rabale police station
present.

CORAM : M. S. KARNIK, J.

DATE : APRIL 01, 2024

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.
2. This is an application for bail in respect of the offence
punishable under Sections 302, 324 read with 34 of the
Indian Penal Code, 1860 read with Sections 4 and 25 of the
Indian Arms Act read with Section 37(1)A, 135 of the
Maharashtra Police Act registered on 10/10/2017 vide C.R.
No.297 of 2017 with Rabale MIDC Police Station.
3. There are in all 4 accused. The applicant is the

accused no.1. The applicant was arrested on 10/10/2017.

4. For convenience, the order dated 06/09/2023 passed by this Court in Bail Application No. 1556 of 2023 enlarging the co-accused - Mayur @ Aniket @ Matkya Tanaji Supugade, which covers the facts of the present case as well is reproduced hereinbelow:

"2. This is an application for bail in respect of the offence punishable under Sections 302, 324 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 4 and 25 of the Indian Arms Act read with Section 37(1), 135 of the Maharashtra Police Act registered on 10/10/2017 vide C.R. No.297 of 2017 with Rabale MIDC Police Station.

3. There are in all four accused. The applicant is the accused no.2. The accused no.1 is the brother-in-law of the deceased. The date of the incident is 9/10/2017. The accused no.1 is the brother-in-law of the deceased. The accused no.1 was upset as the deceased was harassing his wife who is the sister of the accused no.1. The deceased and his wife had frequent quarrels. From the statement of the eye witness who is the friend of the deceased, it is seen that about 15 days prior to the incident, the deceased had informed him that he had assaulted his mother-in-law in her house at Virar.

4. The applicant was arrested on 10/10/2017 and is in custody for a period of five years and 10 months.

5. Learned APP while opposing the application invited my attention to the statement of the informant as well as the CDR reports. From the statement of the informant it is seen that the applicant has assaulted the deceased on his head with a sharp weapon. However, it is further seen that the accused no.1 assaulted the deceased on his head after taking the weapon from the applicant. The cause of death is due to head injury.

6. So far as the trial is concerned, the charge has been

framed. Thirty two witnesses the prosecution proposes to examine. Though the charge has been framed, the trial will take a long time to conclude. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. I am inclined to enlarge the applicant on bail on the ground of long incarceration in the present facts.”

5. The applicant is the brother-in-law of the deceased. The deceased was the husband of the applicant's sister. From the prosecution version it appears that the applicant was upset by the fact that the deceased was harassing the applicant's sister. It also appears that the deceased has assaulted the mother of the applicant. The applicant was arrested on 10/10/2017 and now is in custody for almost six and half years. There is no progress in the trial except framing of the charge. The trial is not likely to conclude soon. There are no criminal antecedents reported against the applicant.

6. Learned APP submitted that there is an eye-witness to the incident and that the assault is brutal. However, considering that the applicant is incarcerated as an under-trial for a long time with no possibility of the trial concluding any time soon, I am inclined to enlarge the applicant on bail. The investigation is complete. The charge-sheet has been

filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant - Rahul Siddharth Pawar in connection with C.R. No.297 of 2017 with Rabale MIDC Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Rabale MIDC police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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 from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly.

7. The application is disposed of.

(M. S. KARNIK, J.)