

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

CRIMINAL BAIL APPLICATION NO. 1621 OF 2024

Kunal Krushna Sawant

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Satyavarat Joshi i/b Mr. Salman Pathan, for the applicant.

Mr. P. H. Gaikwad, APP for State-Respondent.

Mr. Ghawate, API, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 21st AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 234 of 2023, registered with Dattawadi Police Station, Pune for the offences punishable under Sections 307, 326, 143, 144, 147, 148, 149 and 506 of the Indian Penal Code, 1860 and Section 4/25 of Arms Act, 1959 and Section 37(1) read with Section 135 of the Maharashtra Police Act, 1951.

3) The offence was registered against the five accused persons out of them two have been released on bail. Therefore, the applicant is claiming parity however considering the role of the applicant and the role of the

co-accused, who have been released on bail, I am of the opinion that the parity is not applicable.

4) On merit, having gone through the charge-sheet and the relevant material collected by the Investigating Officer, it is evident that there is a discrepancy about the role attributed to the applicant, in the statement of the injured and the eye-witness Kunal Shinde. According to the injured, the applicant inflicted blow by a sharp weapon on the head, face and hands of the injured whereas as per the statement of eye witness, the applicant and one co-accused Prasik Kamble caught hold of the injured and co-accused Ashok and Arun gave blows on the person of the injured by a sharp weapon. No doubt that some corresponding injuries are found on the person of the injured if the role attributed to the applicant by the injured is considered. However, considering the fact that there are no antecedents against the applicant and the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not necessary. Furthermore, there is no recovery from the applicant.

5) In the circumstances, the apprehension expressed by the learned APP that if the applicant is released on bail, he may pressurize the witnesses and tamper with the prosecution evidence is concerned, the same can be addressed by putting certain stringent conditions. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 234 of 2023, registered with Dattawadi Police Station, Pune for the offences punishable under Sections 307,

326, 143, 144, 147, 148, 149 and 506 of the Indian Penal Code, 1860 and Section 4/25 of Arms Act, 1959 and Section 37(1) read with Section 135 of the Maharashtra Police Act, 1951, on furnishing P.R. Bond of Rs.25,000/-(Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Dattawadi Police Station, Pune City till the conclusion of the trial except on the date of trial;

iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;

v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]