

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3789 OF 2024

Iqbal Bahirya Pawar ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Ms Tanvii G. Tapkire, Advocate for Applicant

Ms Savita M Yadav, APP for the State.

PSI Nitin Babar, Sangli Rural Police Station.

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 21, 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.165 of 2021, registered with Sangli Rural Police Station, District: Sangli for the offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code.
3. The applicant is in jail from last two years and in the meantime the charge-sheet has been filed. The F.I.R. was registered against total 8 accused out of which one is juvenile. Out of the remaining 7 accused persons 4 have been released on bail, 2 on anticipatory bail and 2 on regular bail.

4. The learned APP has strongly opposed the application on the ground that the applicant is named in the FIR and further there are two antecedents against the applicant.
5. Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during investigation, it is evident from the Injury Certificate that there is no stab or cut injury corresponding to the allegations as regards the use of sword and knife. The applicant is in jail from last two years and considering that four accused have already been released on bail, I am of the opinion that further custody of the applicant is not necessary.
6. The learned counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide by any conditions, including not to enter into territorial jurisdiction of Sangli District. The said statement was made by the learned counsel in response to the apprehension expressed by the learned APP that if the applicant is released on bail he may tamper with the prosecution evidence or commit the similar offence.
7. In the circumstances, I pass the following order:
 - i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.165 of 2021, registered with Sangli Rural Police Station, District: Sangli for the offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code, on furnishing P.R.Bond in the sum of

Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall not enter the territorial jurisdiction of Sangli District : Pune till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby Police Station to the I.O., which he shall attend on first and sixteenth day of each month between 10:00 a.m. and 11:00 a.m., till conclusion of the trial, except on the date of the 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 for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)