

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

**INTERIM APPLICATION NO. 3790 OF 2024
(For Bail)
IN
CRIMINAL APPEAL NO.1081 OF 2017**

Subhash Shrirang Sawant .. Applicant

Versus

The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPEAL NO. 376 OF 2018**

**WITH
CRIMINAL APPEAL NO. 590 OF 2018**

**WITH
INTERIM APPLICATION NO. 1828 OF 2021
IN
CRIMINAL APPEAL NO.1081 OF 2017**

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Adv. Payoshi Roy a/w Adv. Madhvi Gomathieswaran, for the
Applicant in IA/3790/2024.

Ms S. S. Kaushik, APP, for the Respondent – State.

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**CORAM: NITIN W. SAMBRE &
MANJUSHA DESHPANDE, JJ.
DATED : 27th SEPTEMBER, 2024**

P.C:-

1. Heard the learned counsel for the Applicant and the learned APP for the State.
2. We have perused the earlier orders dated 16th January

2018 and 13th November 2019 passed in Criminal Application Nos.1702 of 2017 and 01 of 2019, wherein the prayer of the Applicant accused for grant of bail came to be rejected.

3. The rejection was based on the ground of common intention.

4. The evidence of PW 1 Amol is sought to be relied on for the purpose of rejection of the Bail Application, vide order dated 16th January 2018.

5. The perusal of the evidence of PW 1 would depict that, the present Applicant i.e Accused No. 3 has assaulted the deceased with fists and kicks blows, whereas Accused Nos. 1 and 2 have assaulted the deceased with tommy and iron rod, which was found to be the cause for death. The injuries caused by such weapon was found to be the basis for certifying the cause of death.

6. The only role attributed to the Applicant is that of the assault by fists and kicks blows. The Applicant has arrived at later point on the scene of the offence that reveals the Accused Nos. 1 and 2 have already assaulted the deceased by iron rod and tommy.

7. The Applicant has already undergone more than 10 years of imprisonment.

8. In this background, we are of the view that the Applicant deserves to be released.

9. That being so, we allow the Application and direct the release of the Applicant in connection with Crime No. 181 of 2013, registered with Dahiwadi Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

10. The Applicant shall not contact the relatives of the deceased or witnesses in any manner whatsoever, and shall also extend all co-operation in disposal of the Appeal.

11. The Application stands disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN W. SAMBRE, J.)