

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

CRIMINAL BAIL APPLICATION NO. 134 OF 2025

Sadashiv Sampat Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Priyal Sarda a/w Ms. Seema Dighe, Mr. shubham Sane, Mr. Rajesh Ranglani and Mr. Abhishek Jare, Advocate for the Applicant.

Mrs. G. S. Rao, A.P.P. for the Respondent – State.

Mr. S. U. Kamble (H.C.), Karad Taluka Police Station, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	29th APRIL, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 197 of 2019 registered at Karad Taluka Police Station, District : Satara for the offences punishable under Sections 302, 307, 326, 323, 504, 506, 143, 147, 148 & 149 of the Indian Penal Code (for short “IPC”).
3. There was a dispute between the present applicant and the complainant on account of right of way through agricultural field. It is alleged that on the date of incident

which took place on 05.05.2019 dispute arose between the applicant and the complainant, while he was watering his field and during said dispute, present applicant assaulted the complainant by stone. It is alleged that as the complainant was injured, he called the deceased, who was his son-in-law and his other relatives. It is alleged that when they came there, altercation took place between the deceased on one side and applicant on the other side and during the said altercation, the present applicant assaulted the deceased by axe and committed his murder. It is alleged that relatives of the complainant were also assaulted .

4. I have heard the learned counsel for the applicant and learned A.P.P for the Respondent-State.

5. The bail is sought on the ground of long incarceration as an under trial prisoner. The learned counsel for the applicant submits that the applicant is in jail for about six years. It is submitted that this Court by order dated 03.08.2022 in Bail Application No.1292 of 2021 directed the trial Court to frame charge and proceed with trial expeditiously. It is submitted that after the said order, the trial

Court has examined first witness on 03.07.2024 and thereafter in last nine months the prosecution has examined only four witnesses. It is submitted that the trial is not likely to be concluded in near future as there are in all 22 witnesses. It is submitted that there are no other criminal antecedents against the applicant.

6. On the other hand, the learned A.P.P. for the Respondent-State submits that the case is based on direct evidence. It is submitted that this Court has rejected the earlier application on merit. It is submitted that the prosecution has already examined four witnesses and therefore the present application may not be entertained. It is submitted that the prosecution would endeavour to examine rest of the witnesses within a period of six months.

7. In spite of the order of this Court to conclude the trial expeditiously, in last two years there is no substantial progress in the trial. The applicant is in jail for six years. There are no other criminal antecedents. Considering the over all facts and circumstances of the case, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 197 of 2019 registered at Karad Taluka Police Station, District : Satara for the offences punishable under Sections 302, 307, 326, 323, 504, 506, 143, 147, 148 & 149 of the IPC, on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not enter into the limits of Karad Taluka Police Station except to attend the dates before the trial Court.
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)