

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

CRIMINAL BAIL APPLICATION NO. 1120 OF 2020

Kundan Harikrshna Acharya ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Subhash Jha a/w Mr. Hare Krishna Mishra a/w Mr. Siddharth Jha
i/b. Law Global, Advocate for the Applicant.

Ms. Veera Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 16th FEBRUARY, 2021.

PC :

. The applicant is arrested on 7th November 2019 in connection with C.R.No.I-272/2019 registered with Navghar Police Station, Thane Rural for the offences under Sections 302 and 309 of Indian Penal Code. The F.I.R. was lodged on 22nd October 2019.

2. The prosecution case is that, there was an affair between the applicant and the victim girl. On 22nd October 2019, she was found assaulted by the accused by knife and was taken to hospital. It is alleged that the victim girl used to visit the shop of the applicant/accused which was situated near their residence. There was love affair between victim and applicant. On the day of the incident, there was a quarrel between him, she was assaulted by the accused with a blow of knife on her neck and

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the accused also inflicted injuries by knife on his person. The victim was taken to hospital for treatment. She died. The applicant was also taken to the hospital for treatment. He has survived. The investigation is completed and the chargesheet is filed.

3. Learned Counsel for the applicant submitted that the applicant had sustained serious injuries. He was hospitalized from October 2019 to 7th November 2019. He produced the medical case papers for perusal. He submitted that there was love affair between the applicant and the victim. The parents of the victim were opposing their relationship. The record indicates that the applicant and the victim decided to end their life by assaulting each other. Both had sustained injuries. Unfortunately, the victim has succumbed to injuries.

4. Learned APP submitted that, there was a love affair between the applicant and the victim. The F.I.R. indicates that on account of quarrel, the victim was assaulted by the applicant and he inflicted injuries on his person. The victim had sustained serious injuries which has resulted in her death.

5. Perused the First Information Report. Undisputedly, there was an affair between the applicant and the victim girl. The applicant is aged about 26 years and the victim was aged around 22 years. The First Information Report and the other statements indicate that there was love affair between both of them. The applicant was hospitalized. He was on ventilation. It

appears that after the incident, the statement in handwriting of the applicant was recorded. It mentions that both had decided to assault each other. Medical case papers show that both had sustained serious injuries. The statement of Ramasare Sharma mentions that, the applicant had sent the message to him on WhatsApp stating that, “Hum dono mar gaya hu pichiwale dukan me”. The statement of Rajendra Yamgar mentions that, the applicant and victim had entered into the shop premises together. They closed the shutter and thereafter, it was found that the victim was in injured condition. There was cutting marks on her neck. The applicant had also sustained injury and he manage to come out of the shop in an injured condition. His statement would indicates that, the victim and the applicant had entered into the shop premises together. Statement of Vishnu Rao refers to the handwritten statement of the applicant. He stated that, the applicant had written a statement in writing and gave it to the Doctor. In the said statement, it was mentioned that, he assaulted the girl and with the same knife, she assaulted the applicant. She went inside the shop and he came out of the shop. He was threatened by the parents of the victim. The victim and the applicant were in love relationship since last four to five years. The medical case papers of the applicant show that the applicant had also sustained serious injury by knife. He was hospitalized.

6. Learned Counsel for the applicant have relied upon several decisions in support of his submission, wherein, bail was

granted to the accused in similar cases.

7. The applicant is in custody from 3rd November 2019. Considering the facts of this case, further detention of the applicant is not necessary. He can be granted bail.

8. Hence, the following order.

ORDER

- (i) Criminal Bail Application No.1120 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with I-272 of 2019 registered with Navghar Police Station on executing P.R. bond in the sum of Rs.30,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once in three month on first Saturday of the month between 11.00 am. to 1.00 pm. till further order;
- (iv) The Applicant shall not tamper with the evidence and shall not approach the witnesses.
- (v) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason.
- (vi) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.30,000/- for a

period of eight weeks in lieu of surety.

(vii) Application stands disposed of accordingly.

9. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)