

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2825 OF 2022

Ananda Sopan Chavan ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Aniket Ujjwal Nikam alongwith Mr. Amit Icham, Mr. Piyush Toshnival and Mr. Aashish Satpute for the Applicant.

Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 12 DECEMBER 2022

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 398 of 2019 registered at Warje Malwadi Police Station, Pune for the offences punishable under Sections 302, 323, 504 r/w. 34 of Indian Penal Code.

3. According to prosecution, on the day of incident which took place on 16th November 2019, witness Bhimrao Badgin had arranged lunch and in the said lunch the deceased, the present applicant and others were present. According to the prosecution, at about 4.00 p.m. dispute arose between the applicant and the deceased on some trivial issue and during the said dispute the present applicant assaulted the deceased by kitchen knife.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the applicant is in jail for more than 3 years. It is submitted that considering the facts and circumstances of the case, the applicant may be released on bail.

6. On the other hand, the learned APP for the State submits that there are eye witnesses to the incident. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the charge-sheet and more particularly, the statement of eye witnesses. Prima facie the incident does not appear to be premeditated. The applicant is in jail for more than 3 years. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Ananda Sopan Chavan be released on bail in Crime No. 398 of 2019 registered at Warje Malwadi Police Station, Pune for the offences punishable under Sections 302, 323, 504 r/w. 34 of Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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