

PMB

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

BAIL APPLICATION NO.4225 OF 2021

SUNIL @ TAKKA BIFAI PRAJAPATI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Raju D. Suryawanshi for applicant.

Mr. S. H. Yadav, APP for State.

Mr. Sachin V. Shinde, PSI, Ulhasnagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 7, 2022.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 302, 504 read with Section 34 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) in connection with C. R. No.I-201 of 2018 dated 27/08/2018 registered with Ulhasnagar Police Station.

3. The applicant was arrested on 01/09/2018. The prosecution alleged that on 26/08/2018, there was a quarrel between the Applicant, Nitin Chaudhary and Ravi on

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one side, with Chandrakant More on the other. The applicant and others abused Chandrakant. One Vicky Singh tried to resolve the quarrel. Suddenly the applicant, Nitin and Ravi came up to Chandrakant. The applicant gave one stab blow to Chandrakant with a knife in his abdomen, below the left rib. The applicant ran away. Chandrakant was admitted to the hospital and on the next day he was declared dead.

4. My attention is invited to the statement of the witnesses viz. Rishabh @ Bobby Surendra Rai and Sameer @ Kanchya Ramkumar Thapa, who stated that there was a quarrel and it was the applicant who suddenly gave one stab blow to the deceased. Thus there are eye witnesses to the incident.

5. I am informed that the trial has not progressed. The chargesheet is already filed. There are 11 to 12 witnesses to be examined. The matter is fixed for framing of the charge on 19/12/2022. The applicant is in custody since more than 4 years and 3 months. There is no likelihood of the trial concluding any time soon in the near future. At the relevant time the applicant was 19 years of age.

6. Learned APP submits that there are as many as three offences already registered against the applicant. The first one being C.R. No.107 of 2013 under Sections 454, 457 and 380 of the IPC. The second one being C.R. No.121 of 2016 under Sections 324, 323 read with Section 34 of the IPC. The third one being C.R. No.194 of 2017 under Sections 326, 324, 323 and 504 of the IPC. In these C.R.s the applicant was released on bail.

7. The incident appears to be an outcome of a sudden quarrel when one stab blow was inflicted by the applicant. The statement of Sameer reveals that the applicant ran inside the hotel kitchen and got a knife with which he gave the stab blow. The offence no doubt is serious. Having regard to the fact that the applicant is in custody for more than 4 years with no possibility of the trial concluding anytime soon, in my opinion, the applicant can be released on bail subject to imposing certain conditions. As the antecedents reported are in the area of Ulhasnagar and even the present offence is alleged to have been committed in Ulhasnagar, the applicant could be directed to remove

himself from the area. Learned counsel for the applicant, on instructions, submitted that the applicant shall reside in Kurla with his cousin brother. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant-Sunil @ Takka Bifai Prajapati shall be released on bail in connection with C.R. No.I-201 of 2018 registered with Ulhasnagar Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (iv) The applicant shall report to the concerned police station once in a month on the first Monday of every month.
- (v) The applicant shall not enter the area of Thane district.
- (vi) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vii) Except on the date fixed for trial and for the purpose of reporting, the applicant shall not enter Thane district.

8. The Bail Application is disposed of.

(M. S. KARNIK, J.)