



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

BAIL APPLICATION NO. 1469 OF 2023

SHIVANAND JAGANNATH PUJARI @ MHETRE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr.Abhishek Kulkarni a/w Mr. Sagar Wakale i/b Mr.
Someshwar S. Birajdar, for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 04, 2023

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 section 302 of the Indian Penal Code, 1860 registered on 21/11/2022 vide C.R. No.249 of 2022 with Shirwal police station. The applicant was arrested on 21/11/2022.
- 3.** The date of the incident is 20/11/2022. The applicant is a driver of a container. The deceased-Swapnil was also a driver of another container. All the drivers had parked their vehicles at one place at night. The applicant, deceased and other drivers were having dinner. The deceased provoked

one Laxman by saying something concerning his wife. Laxman was annoyed with the deceased and a fight ensued. As per the prosecution case, the deceased started assaulting those present including the applicant. The applicant also sustained injury. It is alleged that the applicant assaulted the deceased. This was in retaliation to the assault by the deceased who appears to be the aggressor and who provoked the accused.

4. Learned APP opposed the application.

5. In the facts and circumstances of the present case, it appears that the incident was not premeditated. The applicant did not have any enmity with the deceased. The incident happened on the spur of the moment. The provocation appears to be by the deceased. The applicant is in custody for more than 1 year with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The trial is likely to take a long time to conclude. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Shivanand Jagannath Pujari @ Mhetre in connection with C.R. No.249 of 2022 registered with Shirwal police station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Shirwal police station as and when called.
- (e) 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.
- (f) 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.
- (h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not

seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)