



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

BAIL APPLICATION NO. 267 OF 2023

DEEPAK TATYARAO ZODPE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Ms. Shubhangi Parulekar for the Applicant.
Mr. P. H. Gaikwad, APP for the State.
Tukaram Devidas Khadke, PSI, Hinjewadi Police Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 08, 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 Sections 302, 326, 324, 504 and 506 of the Indian Penal Code, Section 4(27) of the Arms Act and Section 37(1)(3) of the Bombay Police Act registered on 26/02/2022 vide C.R. No.175 of 2022 with Hinjewadi Police Station, Pimpri-Chinchwad.
- 3.** The applicant was arrested on 27/02/2022. On the date of the alleged incident i.e. 21/02/2022, there was a

quarrel between the applicant and Ganesh (hereinafter referred to as "deceased"). The deceased was highly addicted to alcohol. From the statement of one of the witnesses Mahendra Appaji Sonawane, it is seen that when all of them were drinking, at that time the deceased and the present applicant quarrelled. The deceased took an iron pipe which was lying nearby and hit the applicant on his legs. Thereafter, it is alleged that the applicant picked up a tile which was lying nearby and hit it on the head of the deceased and went away from the spot. The deceased felt giddy. The deceased went home with his brother. The deceased, however, died on 26/02/2022. The medical report on record reveals that the deceased had alcoholic liver disease with impaired renal function. The cause of death is due to head injury in a case of assault. Prima facie, it appears that there was no intention to commit murder. The incident occurred all of a sudden without any premeditation.

4. The investigation is complete and the charge is filed. The applicant has been in custody for more than 18 months

without any possibility of trial concluding any time soon. Considering that there are no criminal antecedents reported against the applicant, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Deepak Tatyrao Zodpe in connection with C.R. No. 175 of 2022 registered with Hinjwadi Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Hinjwadi Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) 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.
- (e) 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.

(f) Except for the purpose of reporting to the Investigating Officer, the applicant shall not enter in the jurisdiction of Hinjwadi Police Station after being released on bail, till the trial concludes.

(g) The applicant shall attend the trial regularly.

(h) The applicant shall not make any attempt to establish any contact with the witnesses.

5. The application is disposed of.

(M. S. KARNIK, J.)