



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

BAIL APPLICATION NO.353 OF 2023

ARUN RAVI KHARWA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Santosh Deshpande for the Applicant.
Ms. Veera Shinde, APP for the State.
PSI Bagwan, Dongri Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 12, 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 307, 506(2), 120(B), 34 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 37(1)(A), 135 of Maharashtra Police Act registered on 28.04.2022 vide C.R. No.219 of 2022 with Dongri Police Station, Mumbai.
- 3.** The date of the incident is 28.04.2022 at around 4.30 p.m. The applicant is the accused No.1. There are in all two accused. The prosecution case is that the applicant

confronted the victim (injured witness) and inquired whether he is having an affair with the wife of the accused No.1. The injured witness refused any such thing. The conversation between the accused No.1 and the victim went on for some time. The accused No.1 again asked the injured witness the same thing. The accused No.2 suddenly caught hold the hands of the victim. The accused No.1 took out a knife and slashed at the neck of the victim. The victim was hospitalized and after four days his statement was recorded. There are eye witnesses to the incident.

4. Learned APP opposed the application for bail and submitted that there are eye witnesses to the incident. The injury was inflicted on the vital part.

5. The applicant was arrested on 28.04.2022. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The trial is not likely to conclude any time soon. I have perused the injury certificate. There is one injury on the neck which is grievous in nature. The knife has been recovered. In the facts and circumstances prolonging

the custody will only amount to a pre-trial punishment. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Arun Ravi Kharwa in connection with C.R. No.219 of 2022 registered with Dongri Police Station, Mumbai 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 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 Dongri Police Station, Mumbai once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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.

(g) The applicant shall attend the trial regularly.

(h) 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.)