



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

BAIL APPLICATION NO. 734 OF 2023

AJAY SUDHAKAR GHOGLE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Ms. Harshada Morey for the Applicant.
Mr. N. B. Patil, APP for the State.
PSI Kiran Baghdane, Kalwa Police Station, Thane.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 05, 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 registered on 28/10/2019 vide C.R. No.502 of 2019 with Kalwa Police Station, Thane City.
- 3.** The applicant was arrested on 28/10/2019. The accusation is that on 28/10/2019, the applicant stabbed his real brother with a knife and killed him. The incident happened in the afternoon during lunchtime. The applicant

had come home and had finished lunch. Over a trivial issue, he quarrelled with his mother. The deceased tried to intervene by persuading the applicant that he should not quarrel with his mother, especially during the festivities. The deceased slapped the applicant. The applicant got angry and in a fit of rage took the knife which was lying on the kitchen table to stab the deceased on his chest. Before the victim could be taken to the hospital the victim died.

4. Learned APP vehemently opposed the application. It is submitted that there are 3 eyewitnesses to the incident i.e. the mother, father and the wife of the deceased. The knife was found on the spot. No doubt, it is the case of direct evidence. Learned APP submitted that there is every likelihood of tampering with the witnesses as they are the parents and sister-in-law of the applicant.

5. *Prima facie*, it appears that there was no pre-meditation and the incident happened on the spur of the moment. One stab blow is inflicted. The applicant has been in custody almost for the period of 4 years. There are no criminal antecedents reported against the applicant. The

investigation is complete and the charge-sheet has been filed. I am informed by the learned counsel for the applicant that even the charge has not yet been framed, in such circumstances, the trial is likely to take a long time to conclude. The apprehension of learned APP can be taken care of by imposing stringent conditions while enlarging the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ajay Sudhakar Ghogle in connection with C.R. No. 502 of 2019 registered with Kalwa 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 shall attend the Investigating Officer of Kalwa 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 attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Mumbai/Mumbai Suburban and Thane District after being released on bail, till the trial concludes.

(g) The applicant shall attend the trial regularly.

6. The application is disposed of.

(M. S. KARNIK, J.)