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

BAIL APPLICATION NO.920 OF 2023

DEEPAK SURESH KHARATMAL@ SAI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Anjali Awasthi a/w Adv. Aamir Khan for the Applicant.
Mr. P. H. Gaikwad, APP for the State.
Sr.PI Jeevan Kharat a/w API Santosh Yewale, Dindoshi
Police Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 18, 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, 114 of the Indian Penal Code (hereafter 'IPC' for short) registered on 27.12.2020 vide C.R. No.559 of 2020 with Dharavi Police Station.
3. The date of the incident is 27.12.2020. There are in all two accused. The applicant is the accused no.1. The applicant was arrested on 27.12.2020. The accused No.2 is the applicant's mother. The applicant's mother has been

enlarged on bail. The deceased is Sachin. It is the prosecution case that the deceased and the applicant's mother i.e. accused No.2 were in an illicit relationship. Prior to the incident the deceased was having an argument with the applicant's mother. The deceased was demanding money from her. The witnesses have stated that the deceased was having a knife with which he was threatening the applicant's mother by placing the knife on her neck. Common friends of the deceased and the applicant immediately informed the applicant about this incident. One friend went to pick up the applicant from the Sion Hospital where the applicant was working. On seeing the deceased the applicant assaulted him with a surgical knife on the neck. The victim succumbed to the injury.

4. Learned APP opposed the application for bail contending that the offence is serious. Learned APP submitted that there are eye witnesses to the incident and blood stained clothes and knife are recovered at the instance of the applicant.

5. The applicant is in custody for more than two years

and nine months with the possibility of the trial concluding any time soon appearing to be remote. In the facts and circumstances of the present case, since the investigation is complete and the charge-sheet has been filed, I am inclined to enlarge the applicant on bail. There are no criminal antecedents reported against the applicant. There is nothing on record to indicate that the applicant is a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Deepak Suresh Kharatmal @ Sai in connection with C.R. No.559 of 2020 registered with Dharavi 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 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 Dharavi Police Station 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) Except for reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Dharavi Police Station after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly.

(i) 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.)