



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

**BAIL APPLICATION NO.931/2023**

NITESH VYANKAT ANBHULE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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Adv. Sameer D. H. a/w. Adv. Prathamesh Fernandes for the  
applicant.

Mr. N. B. Patil, APP for the State.

PI P. S. Sanap, Parksite police station.Z  
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**CORAM : M. S. KARNIK, J.**

**DATE : SEPTEMBER 6, 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 read with 34 of the Indian  
Penal Code (hereafter 'IPC' for short) read with Sections 4,  
25 of the Arms Act, 1959 registered on 20/6/2022 vide C.R.  
No.387 of 2022 with Parksite Police Station.

**3.** There are two accused. The applicant is the accused  
no.2. It is alleged that there was some altercations which  
took place between the accused no.1 and the deceased.

Both the accused came on a scooty and they smoked cigarette. At that time, even the deceased came there for a smoke. There was some dispute between the accused and the deceased. It is alleged that the accused no.1 took out a knife which was kept in the waist of the present applicant. Accused no.1 ran after the deceased. After inflicting one stab blow on the deceased, the accused no.1 came back towards the scooty. The applicant and the accused no.1 fled from the spot.

**4.** Learned APP opposed the application. It is submitted that the applicant was carrying the knife which was used in the commission of the offence.

**5.** There is no overt act attributed to the present applicant. Whether the applicant shared a common intention with the accused no.1 will be decided at the stage of trial. There are some criminal antecedents reported against the applicant. One case is registered under the IPC and other one is registered under the Protection of Children from Sexual Offences Act, 2012. In my opinion, the criminal antecedents reported against the applicant are not by itself a sufficient ground to deny bail to the applicant having

regard to his entitlement of bail in the present facts.

**6.** The applicant was arrested on 20/6/2022 and is in custody for more than one year and two months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. In my opinion, the applicant does not appear to be a flight risk. Considering the facts and circumstances of the present case, the applicant can be enlarged on bail. Hence, the following order :-

**ORDER**

- (a) The application is allowed.
- (b) The applicant-Nitesh Vyankat Anbhule in connection with C.R. No. 387 of 2022 with Parksite 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 Parksite 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) The applicant shall attend the trial regularly.

(g) The applicant shall surrender his passport, if any, to the investigating officer.

**7.** The application is disposed of.

**(M. S. KARNIK, J.)**