

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

BAIL APPLICATION NO.3026 OF 2022

PRADNYA
MAKARAND
BHOGALE
Digitally
signed by
PRADNYA
MAKARAND
BHOGALE
Date:
2023.01.27
19:55:16
+0530

Prashant Dilip Kunchikurve ..Applicant

VS.

The State of Maharashtra ..Respondent

Ms. Anjali Patil for the Applicant.
Mr. S. H. Yadav, APP for the State.
Mr. Khandagale, API, Dharavi Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 27, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail by the applicant-Prashant Dilip Kunchikurve in connection with C.R. No.1001 of 2021 dated 18/12/2021 registered with Dharavi Police Station for the offence punishable under Sections 302, 323, 504, 506(2) read with 34 of the Indian Penal Code, 1860.
- 3.** The incident happened in the intervening night of 17/12/2021 and 18/12/2021. The applicant is arrested on 27/05/2022. There are three accused in all. My attention is

invited to the statements of the eye witnesses. From the statements of the eye witnesses it is seen that the deceased as well as the accused were drunk. There was a quarrel which took place between the deceased and the accused. The reason according to the eye witnesses is that one of the accused pushed the deceased. The allegations are made that the deceased was assaulted by one of the accused with fist blows and another accused assaulted the deceased with the stone on the head. The stone was lying by the side of the road. There is a statement of one of the eye witnesses indicating that it is one of the accused who with the help of the police took deceased to the hospital for treatment. The deceased however succumbed to the injuries. The accused concerned also suffered injuries and taken treatment. So far as the present applicant is concerned, it is not clear from the material as to whether he is the one who assaulted the deceased on the head with the stone. The role attributed appears to be that the applicant assaulted the deceased with fist blows. In the absence of there is any specific material that it is the applicant who assaulted the deceased

with a stone, considering that the charge-sheet has been filed and the investigation is complete and as the applicant is in custody for more than 8 months, I am inclined to release the applicant on bail. The trial will take long time to conclude. There are no criminal antecedents reported against the applicant.

4. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Prashant Dilip Kunchikurve shall be released on bail in connection with C.R. No.1001 of 2021 registered with Dharavi Police Station, on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) 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.
- (d) The applicant shall attend the concerned Police Station once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

(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.

5. The Bail Application is disposed of.

(M. S. KARNIK, J.)