

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

CRIMINAL BAIL APPLICATION NO. 3084 OF 2022

Ajay Ratansingh Chitodia	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Nitin Gaware Patil i/b Mr. Anandmaya Dhorde for the Applicant.
Mr. Y. Y. Dabke, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th SEPTEMBER 2023.

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P.C. :

1. By this application, applicant is seeking bail in C. R. No. 968 of 2021 registered with Yavat Police Station, Tq. Daund, Dist – Pune, for the offence punishable under Section 302 of the Indian Penal Code (for short “IPC”).

2. It is prosecution’s case that applicant himself lodged complaint on 3rd November, 2021 with Yavat Police Station alleging that on 2nd November, 2021 at about 8:00 p.m., the applicant his wife and father had dinner. Thereafter his father Ratansingh picked

up quarrel with the applicant for not paying him money for drinking liquor. The applicant made him calm. Thereafter, applicant went to sleep, in the midnight at about 1:20 a.m., the father of the applicant started screaming and abusing the applicant. Further the said Ratansingh assaulted the applicant. In the heat of rage, the applicant assaulted his father by stick on his head. In the said assault, the father of applicant died. The offence was registered against the applicant.

3. It is contention of learned counsel for the applicant that case of the prosecution is based on the statement of applicant which cannot be considered against the applicant. The medical evidence does not support the prosecution's case. Investigation is completed and charge sheet has been filed. The act was committed in spur of moment. Hence, requested to allow the application.

4. It is contention of learned APP that applicant has himself admitted that he assaulted his father with stick. It shows his involvement in the crime. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.
6. It appears from the record that incident happened in spur of moment and applicant himself had informed the police about the incident. The weapon used in the offence is wooden stick. Applicant is behind bar for more than 22 months. Yet trial has not commenced. Investigation is completed and charge-sheet has been filed.
7. Considering the above facts, further detention of applicant is not required.
8. In view of above facts, I pass following order.

ORDER

- (i) Applicant be enlarged on bail in Crime No. 968 of 2021 registered with Yavat Police Station, Tq - Daund, District – Pune, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00

a.m. to 2:00 p.m. till framing of charge.

(iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.

(v) The Trial Court shall decide the said case on its own merits, in accordance with law uninfluenced by the observations made in this order.

9. The application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)