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

BAIL APPLICATION NO.3090 OF 2023

VISHWAJEET KUMAR KRITYANAND SINGH ..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Subhash Jha a/w Adv. Meena Mishra a/w Adv. Linisha
Seth a/w Adv. Praveena Venkatraman a/w Adv. Krunal
Jadhav i/b. Law Global Advocates for the applicant.

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

PI Gaud and PSI Pawar.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 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 304(2) and 504 of the Indian
Penal Code (hereafter 'IPC' for short) registered on
15.12.2022 vide C.R. No.586 of 2022 with Matunga Police
Station, Mumbai

3. The date of the incident is 14.12.2022. The
prosecution case is that the deceased was utilising the

services of the 'sulabh shauchalaya' free of charge by threatening the conductors. The deceased after using the facility instead of paying the applicant who was in charge of the said facility, demanded money from him. He told the applicant that he should take it from the employee who was the cashier and hand it over to him. The applicant refused to give him money. The deceased assaulted the applicant. The applicant got hurt and blood oozed from his hand as a result of the injury. The applicant then took a stick and assaulted the victim on the backside of his head. The victim fell down.

4. Learned APP opposed the application for bail. It is submitted that there are eye witnesses to the incident.

5. The applicant was arrested on 15.12.2022. The applicant is in custody for almost eleven months. Though the application is opposed by learned APP, in the facts and circumstances of the present case, considering that the investigation is complete and the charge-sheet has been filed and the manner in which the incident has happened without any premeditation from the applicant's side on the

spur of the moment, provocation if any appears to be from the deceased, I am inclined to enlarge the applicant on bail as further custody of the applicant will only be by way of pre-trial punishment. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Vishwajeet Kumar Krityanand Singh in connection with C.R. NO.586 of 2022 registered with Matunga Police Station, Mumbai 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 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. 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.)