

Arjun

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

BAIL APPLICATION NO.657 OF 2023

Lakhan Vilas Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ritesh M. Thobde a/w Changdev S. Shingade & Ankita Pramod Rai, for the Applicant.

Ms. S. S. Kaushik, APP, for the Respondent-State.

P.S.I. Hanmant Hipparkar, Mangalwedha Police Station, District-Solapur, present.

**CORAM : MADHAV J. JAMDAR, J.
DATED : MARCH 04, 2024**

P.C.:

1. Heard Mr. Thobde, learned Counsel appearing for the Applicant and Ms. Kaushik, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	380 of 2020
2	Date of registration of F.I.R.	08/07/2020
3	Name of Police Station	Mangalwedha Police Station, District-Solapur
4	Section/s invoked	302, 201, 202 r/w 34 of the

		<i>I.P.C., 1860</i>
5	Date of incident	02/07/2020
6	Date of arrest	08/07/2020
7	Date of filing Charge-sheet	30/09/2020

3. The deceased is the son of the sister in law of the present Applicant. As per the prosecution case, the deceased was in the habit of stealing money and some articles and therefore the Applicant and his wife assaulted the deceased by fist and kick blows and also with a hard and blunt object. The deceased died due to fracture of skull bone (right temporal bone) and the resultant shock.

4. Mr. Thobde, learned Counsel appearing for the Applicant submitted that the case is based on circumstantial evidence. He submitted that the chain of circumstances is not prima facie established. He submitted that in any case the Applicant is incarcerated since 8th July 2020 and there is no progress in the trial and even the charge is also not framed. Mr. Thobde, learned Counsel submitted that the incident in question has taken place on the spur of the moment and in a sudden quarrel. He submitted that there are no antecedents.

5. On the other hand, Ms. Kaushik, learned APP strongly opposed the Bail Application. She submitted that the present Applicant has assaulted the deceased mercilessly with a hard and

blunt object and therefore the Bail Application be rejected. Ms. Kaushik, learned APP states that the deceased who was a 13 years old child was brutally assaulted which resulted in the death of the deceased. However, on instructions, she states that there are no antecedents against the Applicant.

6. A perusal of record shows that F.I.R. was lodged on 8th July 2020. The Applicant was apprehended on 8th July 2020 and till date there is no progress in the trial. As per the Charge-sheet, there are 23 witnesses proposed to be examined by the prosecution. There is no progress in the trial and even the charge is also not framed and the trial has not yet commenced. The Applicant is incarcerated since about 3 years and 5 months. The trial is likely to take a considerably long time.

7. *Prima facie* there is substance in the contention that the incident in question has taken place on the spur of the moment and in a sudden quarrel as the deceased used to steal money and some articles. A co-Accused has already been released on bail by Order dated 22nd October 2020 passed by learned Additional Sessions Judge, Pandharpur in Criminal M. A. (Regular Bail) No.587 of 2020. Accordingly, the Applicant is entitled to be released on bail.

8. The Applicant does not have any criminal antecedents.

9. The Applicant does not appear to be at risk of flight.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Lakhan Vilas Jadhav be released on bail in connection with C.R. No.380 of 2020 registered with the Mangalwedha Police Station, District-Solapur on his furnishing P.R. Bond of Rs.25000/- with one or two solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Mangalwedha Police Station, District-Solapur once in a month i.e. the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (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 such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

- 11.** The Bail Application is disposed of accordingly.
- 12.** It is clarified that the observations made herein are *prima facie* and the Trial Court shall decide the case on its merits and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]