



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1484 OF 2024

Vijay Uttam Kamble ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Vignesh Ashokan a/w. Mr. Sachin H. Deokar, Advocates, for the Applicant.
Mr. Shriram S. Chaudhari, APP, for the Respondent-State.
Mr. C. H. Barunge, Police Naik, Shahupuri Police Station, District-Kolhapur, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 16th APRIL 2024

PC:-

1. Heard learned Counsel for the Applicant and learned APP 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.	570 of 2023
2.	Date of registration of F.I.R.	27/05/2023
3.	Name of Police Station	Shahupuri, Kolhapur
4.	Section/s invoked	307 and 506 of the Indian

		Penal Code ("IPC"), 1860
5.	Date of incident	26/05/2023
6.	Date of arrest	29/05/2023
7.	Date of filing of Charge-sheet	.August 2023

3. As per the prosecution case, the Applicant and the injured are friends. Some altercation occurred between them and some other friends of both of them intervened. However, the injured told them that the Applicant and the injured are best friends and therefore, they would themselves sort out their differences. However, it appears that thereafter the said altercation turned into a physical fight between the Applicant and the injured and the Applicant assaulted the injured with a knife.

4. Learned Counsel for the Applicant submitted that in fact, the Applicant and the injured are best friends and at 10:30 p.m., the Applicant, injured, and other friends were at a bar and had consumed liquor and thereafter the incident in question occurred at 11:30 p.m. He submitted that the incident in question occurred on the spur of the moment and due to heated arguments between the Applicant and the injured and there was no intention to commit the crime. He submitted that there is one antecedent of the

year 2012. However, the Applicant has been acquitted. He submitted that in fact, the said antecedent is of the year 2012 and the Applicant and the injured were the Accused therein and both of them have been acquitted in the said offence.

5. On the other hand, Mr. Chaudhari, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that there are about 6 eye-witnesses to the incident in question and statement under Section 164 of the CrPC has been recorded. He submitted that the incident in question had not occurred on the spur of the moment as the Applicant has assaulted the deceased with a knife. He submitted that there is recovery of blood-stained clothes and a knife. He pointed out injury certificate and submitted that the injury is on the vital part of the body i.e. abdomen. He submitted that injury is grievous and the injured was required to undergo an emergency explorative laparotomy surgery. He submitted that there is one antecedent and therefore, the Bail Application be rejected.

6. Prima facie, there is substance in the contention of Mr. Ashokan, learned Counsel for the Applicant that the incident in

question occurred on the spur of the moment due to an altercation between the Applicant and the injured.

7. The factual position on record shows that the injured and the Applicant are very close friends and incident took place suddenly. Although there is one antecedent of the year 2012, the Applicant has been acquitted in that case.

8. Perusal of the record shows that in the present case, the incident in question occurred on 26th May 2023, F.I.R. was lodged on 27th May 2023, the Applicant was arrested on 29th May 2023 and, Charge-sheet was filed sometime in August-2023. Although, the Applicant is incarcerated since about one year, there is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 21 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

9. Learned Counsel for the Applicant states that as several witnesses are from Kolhapur District, the Applicant will therefore not reside within District – Kolhapur and that the Applicant will

reside at C/o. Deepak Bapu Kamble, Shri Krishna Colony, Pimpri Chinchwad, Pune.

10. The Applicant does not appear to be at risk of flight.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
12. In view thereof, the following order:-

ORDER

- (a) The Applicant – Vijay Uttam Kamble be released on bail in connection with C.R. No.570 of 2023 registered with the Shahupuri Police Station, District - Kolhapur on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter the Kolhapur district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.

- (c) 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.
- (d) The Applicant shall report to the Pimpri Chinchwad Police Station, District – Pune once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Pimpri Chinchwad Police Station, District – Pune to communicate details thereof to the Investigating Officer.
- (e) 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.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the

Complainant or any witness in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]