

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1522 OF 2024**

Kunal Dilip Gaikwad

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Jayant Bardeskar, for the Applicant.

Mr. P. P. Malshe, APP, for the Respondent–State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 19 April 2024.

P. C.

1. Heard Mr. Bardeskar, learned Counsel for the Applicant and Mr. Malshe, 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.	90 of 2023
2.	Date of registration of F.I.R.	02/06/2023
3.	Name of Police Station	Medha, Satara
4.	Section/s in F.I.R.	143, 147, 148, 149, 323, 324, 504 & 506 of the <i>I.P.C., 1860</i>
5.	Section/s in Charge-sheet	302, 324, 323, 143, 147, 148, 149, 504 & 506 of the <i>IPC, 1860</i>
6.	Date of incident	28/05/2023
7.	Date of arrest	08/09/2023
8.	Date of filing of Charge-sheet	(i) Date of filing Charge-sheet – 05/09/2023 (ii) Date of filing supplementary Charge-sheet – 05/12/2023

3. As per the prosecution case, the Deceased – Suraj Pradeep Shinde had asked Accused No.1 – Ganesh Bajrang Sonawane to bring *ganja* and as the Accused No.1 did not bring the same, the Deceased assaulted the Accused No.1. Therefore, on account of this the relations between the Accused persons and the Deceased were strained. On 28.05.2023 at about 10.00 p.m. the incident in question occurred where the 8 Accused persons and 1 child in conflict with law assaulted the deceased with kicks and fist blows as well as with a wooden stick. The Deceased succumbed to the resultant injuries on 08.06.2023.

4. Mr. Bardeskar, learned Counsel for the Applicant submitted that the incident in question took place on 28.05.2023. The Deceased had gone to his house after the assault and informed the Informant about the incident. Thereafter, the deceased alone went to the Civil Hospital, Satara and returned on 29.05.2023 at 4:00 a. m.. Thereafter, he again went to the Civil Hospital, Satara on 31.05.2023 and the Informant had received a phone call and he was informed that the Deceased had fallen on the road near Raigaon and hence he was taken to the Civil Hospital, Satara, where the attending Doctor at the Civil Hospital directed to perform a C.T. Scan on the Deceased and after the C.T. Scan, the Deceased was referred to the Sasoon General Hospital, Pune. The deceased succumbed to the injuries on 08.06.2023. Mr. Bardeskar, submitted that in fact, the case is of circumstantial evidence and the role attributed to the Applicant is that he had inflicted kicks and fist

blows on the Deceased.

5. On the other hand, Mr. Malshe, learned APP for the Respondent – State vehemently opposed the Bail Application. She submitted that the Applicant and other Accused persons mercilessly assaulted the Deceased and therefore, the Deceased succumbed to the resultant injuries. She therefore submitted that bail may not be granted to the Applicant.

6. A perusal of the record shows that the incident in question occurred on 28.05.2023. The Deceased succumbed to the resultant injuries on 08.06.2023. Admittedly, between 28.05.2023 and 31.05.2023 the Deceased was moving around and in fact he had attended a wedding. The case is of circumstantial evidence. The role attributed to the Applicant is that he had inflicted kicks and fist blows on the Deceased. As per the Charge-sheet, about 20 witnesses are proposed to be examined by the prosecution. There is no progress in the trial and even charge is also not framed yet. The trial is likely to take a considerably long time.

7. The Applicant does not have any criminal antecedents.

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

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

10. In view thereof, the following order:-

ORDER

(a) The Applicant - Kunal Dilip Gaikwad be released on bail in connection with C.R. No.90 of 2023 registered with the

Medha Police Station, District – Satara on his furnishing P.R. Bond of Rs.25,000/- with one or two local 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 Medha Police Station, District – Satara on 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 Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]