

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

CRIMINAL BAIL APPLICATION NO. 1447 OF 2023

Mahendra Mahadev Bhuvad

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Sanjeev Kadam a/w Ms. Aditi Rajput, Mr. Prashant Raul i/by Mr. Anil Bagawe, Advocates for the Applicant.

Mrs. Sharmila Kaushik, APP for the Respondent-State.

Mr. Ramesh Gangaram (P.C. B. No. 391) Savarde Police Station, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 22nd JANUARY 2024

P. C.

1. Heard Mr. Kadam, learned Counsel appearing for the Applicant and Mrs. 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.	10 of 2023
2.	Date of Registration of F.I.R.	7th February 2023
3.	Name of Police Station	Savarde Police Station, District-Ratnagiri
4.	Section/s invoked	302 I.P.C., 1860
5.	Date of Incident	6th February 2023

6.	Date of Arrest	7th February 2023
7.	Date of filing of Charge-sheet	20th March 2023

3. As per the prosecution case, the deceased had earlier assaulted father of the Applicant and was abusing the aunt of the Applicant since morning and therefore the Applicant assaulted the deceased with a wooden log on 6th February 2023.

4. Mr. Kadam, learned Counsel appearing for the Applicant submitted that in fact the deceased was in the habit of consuming liquor and abusing and assaulting residents of Bhuradwadi, Nandgaon. He submitted that the deceased is the cousin of the Applicant and had assaulted father of the Applicant and therefore complaint was lodged on 25th April 2023. As no action was taken, representation was filed with the Police Inspector of Savarde Police Station on 13th May 2023 by about 11 villagers including father of the Applicant. Mr. Kadam submits that in spite of Police complaint, no action has been taken against the Applicant. He submitted that the Applicant was abusing the aunt of the Applicant under the influence of alcohol since morning of 6th February 2023 and the incident in question took place at 9.00 p.m. on 6th February 2023 in which the

Applicant assaulted the deceased with wooden log.

5. Mrs. Kaushik, learned APP strongly opposes the bail Application. She submitted that the record shows that the Applicant has mercilessly assaulted the deceased and there are eye-witnesses.

6. In this case, the incident had occurred on 6th February 2023 and the Applicant was arrested on 7th February 2023. The Charge-sheet is filed on 20th March 2023. The weapon used is a wooden log. As per the Charge-sheet, there are 19 witnesses. The trial has not yet started. Even the charge is not yet framed. The trial is likely to take a considerably long time.

7. Mr. Kadam, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, i.e. Chiplun, Nandgaon Taluka, District Ratnagiri, the Applicant will therefore not reside within Chiplun Taluka, District-Ratnagiri and that the Applicant will reside at his friend's place i.e. C/o Mr. Anil Jayaram Kamble, 443, Baugwadi, Ratnagiri Road, Devrukh, Taluka Sangmeshwar, District Ratnagiri.

8. The Applicant does not appear to be at risk of flight. The Applicant is not involved in any other crime.

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

conditions. In view thereof, the following order:-

ORDER

(a) The Applicant- Mahendra Mahadev Bhuvad be released on bail in connection with C.R. No. 10 of 2023 registered with the Savarde Police Station, District-Ratnagiri on his furnishing P.R. Bond of Rs.10,000/- with one or two local sureties in the like amount.

(b) The Applicant shall not enter the Chiplun Talulka, Ratnagiri 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 Devrukh Police Station, Taluka-Saangameshwar, District-Ratnagiri 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 Devrukh Police Station, Taluka-

Sangameshwar, District- Ratnagiri 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 evidence and shall not contact or influence the Complainant or any witnesses 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.

10. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]