

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2555 OF 2024

Akshay Vishvanath Pisal

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi (Through VC) a/w Reena Prajapati i/b Yash Fadtare,
for the Applicant.

Mr. P. P. Deokar, APP, for Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 15 JULY 2024

P.C.:

1. Heard Mr. Joshi, learned Counsel for the Applicant and Mr. Deokar, 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.	382 of 2022
2	Date of registration of F.I.R.	7th December 2022
3	Name of Police Station	Miraj City, District – Sangli.
4	Section/s invoked	302, 34 of the <i>Indian Penal Code, 1860</i> .
5	Date of incident	6th December 2022
6	Date of arrest	7th December 2022
7	Date of filing Charge-sheet	4th March 2023

3. As per the prosecution case, the Applicant (Accused No.1), the Accused No.2 (Ramchandra *alias* Deepak Sanjay Halwai) and the deceased were friends. The incident in question took place on 6th December 2022. These three friends had consumed the liquor and thereafter some altercation took place and the Applicant and Accused No.2 assaulted the deceased with stones.

4. Mr. Joshi, learned Counsel for the Applicant submitted that the case is of circumstantial evidence. The motive is that the deceased had verbally abused the Applicant and the co-Accused and therefore an altercation took place. He therefore submitted that the incident in question took place on the spur of the moment. He submitted that the material produced alongwith the Charge-sheet does not show that an offence under Section 302 of the *Indian Penal Code, 1860* is made out.

5. On the other hand, Mr. Deokar, learned APP strongly opposed the Bail Application. He pointed out the F.I.R., *Panchanama* of CCTV footage, extra-judicial confession and the statement of Chandrakant *alias* Santosh Maruti Kurane regarding extra-judicial confession.

6. Perusal of the record shows that the incident in question took place on 6th December 2022, F.I.R. was registered on 7th December 2022, Applicant was arrested on 7th December 2022 and Charge-sheet was filed on 4th March 2023. Therefore, the investigation is completed. Till date, there is no further progress in the trial except that the Charge

was framed on 28th March 2023. The trial is likely to take a considerably long time.

7. *Prima facie*, there is substance in the contention of learned Counsel appearing for the Applicant that the incident took place on the spur of the moment.

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

9. The Applicant does not have any criminal antecedents.

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

11. In view thereof, the following order:-

ORDER

(a) The Applicant – Akshay Vishvanath Pisal be released on bail in connection with C.R. No.382 of 2022 registered with the Miraj City Police Station, District - Sangli on his furnishing PR. Bond of Rs.25,000/- 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 Miraj City Police Station, District - Sangli on the Sunday of every week for a

period of one year and thereafter once in a month on first Sunday between 2.00 p.m. and 4.00 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 prosecution 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.

12. The Bail Application is disposed of accordingly.

13. 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.]