

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

BAIL APPLICATION NO.3875 OF 2023

Aman Ramjan Bandar

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Kedar Patil a/w. Ms. Sakshi S. Kadam, Mr. Pratik Tare & Mr. Jitesh Mundhwa, Advocates, for the Applicant.
Ms. Veera Shinde, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 15.03.2024

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1. Heard Mr. Patil, learned Counsel for the Applicant and Ms. Shinde, 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.	149 of 2023
2.	Date of registration of F.I.R.	04.05.2023
3.	Name of Police Station	Shahapur - Kolhapur
4.	Sections invoked	307, 302, 506 of the I.P.C., 1860
5.	Date of incident	04.05.2023
6.	Date of arrest	05.05.2023
7.	Date of filing of Charge-sheet	03.08.2023

3. As per the prosecution case, the Applicant and the deceased were very close friends. Both of them were working in the same Power Loom Factory. The deceased had borrowed an amount of Rs.10,000/- from the Applicant and there was some dispute between the Applicant and the deceased as the deceased was not returning the said amount. As per the prosecution case, the incident in question has taken place for the aforesaid reason and the Applicant assaulted the deceased with a knife.

4. Mr. Patil, learned Counsel appearing for the Applicant submitted that the case is of circumstantial evidence. The case is also based on Dying Declaration, however, the statement of Doctor or attendant from the Ambulance was not recorded. There are discrepancies in the statement of the Complainant, her brother-in-law who was present in the ambulance. He submitted that there is no eye-witness to the incident, even when the incident had taken place in the morning time at a crowded place. He submitted that in any case, the incident took place on the spur of the moment. He submitted that there are no antecedents.

5. On the other hand, Ms. Shinde, learned APP appearing for the Respondent – State vehemently opposed the Bail Application. She

submitted that the deceased has made a dying declaration. There was a clear motive that the deceased had borrowed an amount of Rs.10,000/- from the Applicant and that he was not returning the same. She therefore submitted that the Bail Application may be rejected.

6. A perusal of the record shows that the incident in question has taken place on 04.05.2023. F.I.R. was lodged on 04.05.2023 for the offences punishable under Sections 302, 307, and 506 of the *Indian Penal Code, 1860*. The Applicant was apprehended on 05.05.2023. Charge-sheet has been filed on 03.08.2023. Thus, investigation is complete. As per the charge-sheet, the prosecution intends to examine 20 witnesses.

7. *Prima facie*, the incident has taken place on the spur of the moment. The incident has taken place as the deceased had borrowed an amount of Rs.10,000/- from the Applicant and he was not returning the said amount.

8. The trial is likely to take a considerably long time.

9. The Applicant does not have any criminal antecedents.

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

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

ORDER

(a) The Applicant - Aman Ramjan Bandar be released on bail in connection with C. R. No. 149 of 2023 registered with the Shahapur Police Station, District- Kolhapur on his furnishing P. R. Bond of Rs. 20,000/- 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 Shahapur Police Station, District - Kolhapur 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.

12. The Bail Application is disposed of accordingly.

13. 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.]