

Anand

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

BAIL APPLICATION NO. 86 OF 2024

Santosh Sand alias Gujjar
alias Santosh Sakharam
Prajapati

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Maitreya Shukla, Advocate, for the Applicant
Ms. M. H. Mhatre, APP, for the Respondent – State

CORAM : MADHAV J. JAMDAR, J.
DATE : 12.01.2024

P. C.

1. Heard Mr. Shukla, learned Counsel appearing for the Applicant and Ms. Mhatre, learned APP appearing for the Respondent – State.

2. This Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973* for regular bail. The relevant details are as under:-

1	C. R. NO.	705 of 2019
2	Date of Registration of F.I.R.	09.11.2019
3	Police Station	Nashik Road Police Station, Nashik
4	Sections Applied	302, 201 r/w. 34 of the Indian Penal Code, 1860
5	Date of Incident	08.11.2019
6	Date of Arrest	20.02.2020
7	Date of filing of	22.02.2021

	Charge-sheet	
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3. The deceased is the wife of the Applicant-Accused No. 1. As per the prosecution case, the deceased was a habitual alcoholic. On 08.11.2019 at about 2.30 p. m. in the afternoon, the witnesses have found that there was a quarrel going on in the rented premises of the Applicant. In the said rented premises, the witnesses i.e. neighbours found that the deceased was consuming liquor along with Accused No. 2 – Mr. Dinesh Rathod and Accused No. 3 – Mr. Mukesh Pawar. As the neighbours were gathered outside the room of the Applicant, said Mr. Dinesh Rathod and Mr. Mukesh Pawar left the premises. Thereafter, on 09.11.2019 at 7.30 a. m., it was found that the deceased was lying unconscious. The case is of circumstantial evidence. The Post Mortem Examination Report shows that the cause of death is cerebral damage due to blunt trauma to the head. There is no recovery at the instance of the Applicant. The other co-accused have already been enlarged on bail.

4. Ms. Mhatre, learned APP appearing for the Respondent – State vehemently opposes this Bail Application. However, the Charge-sheet has already been filed on 22.02.2021. The Applicant is incarcerated since the past four years. The trial is unlikely to conclude any time soon and is likely to take a

considerably long time. The present Applicant does not have any criminal antecedents.

5. The Applicant does not appear to be a flight risk.

6. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

O R D E R

(i) The Applicant - Mr. Santosh Sand alias Gujjar alias Santosh Sakharam Prajapati in connection with C. R. No. 705 of 2019 registered with the Nashik Road Police Station, Nashik shall be released on bail on his furnishing P. R. Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;

(ii) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep him updated, in case there is any change;

(iii) The Applicant shall report to the Nashik Road Police Station, Nashik once every month, on every first Sunday of the month between 11.00 a. m. and 1.00 p. m. till the conclusion of trial;

(iv) 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 him from disclosing the facts to Court or any Police Officer;

(v) The Applicant shall not tamper with evidence;

(vi) The Applicant shall regularly attend the trial;

(vii) The Applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments;

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

7. The Application is disposed of.

(MADHAV J. JAMDAR, J.)