

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

BAIL APPLICATION NO.116 OF 2024

Rashidh Kunjir Bhosale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ganesh Bhujbal, for the Applicant.

Ms. Veera Shinde, APP for the Respondent-State.

Mr. Niraj Tanaji Pisal, Police Constable, Shikrapur Police Station, District-Pune, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: APRIL 29, 2024

P. C.

1. Heard Mr. Bhujbal, 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.	467 of 2023
2	Date of registration of F.I.R.	17/05/2023
3	Name of Police Station	Shikrapur, District-Pune
4	Section/s invoked	302, 324, 323, 354 & 506 r/w 34 of the <i>I.P.C., 1860</i> ;
5	Date of incident	16/05/2023
6	Date of arrest	17/05/2023
7	Date of filing Charge-sheet	24/07/2023

3. As per the prosecution case, marriage was solemnised between Mayur @ Babya Sudhakar Kale with Nandini Ramesh Bhosale three years ago. At the time of the wedding, the dowry was fixed at Rs.2,00,000/-. However, out of said, only Rs.80,000/- were paid and therefore there was some dispute between Mayur @ Babya Sudhakar Kale, his brother Akash @ Bajya Sudhakar Kale and family members of said Ramesh Bhosale. As per prosecution case, on 16th May 2023 at about 04.00 p.m., there was some altercation between said Mayur Kale, Akash Kale and family of Ramesh Bhosale. Thereafter at about 10.00 p.m., Accused No.1-Mayur Kale, Accused No.2-Rashidh Kunjir Bhosale, Accused No.3-Rahul @ Modil Kunjir Bhosale and Accused No.4-Akash Sudhakar Kale, again had an altercation with Pappu Ramesh Bhosale, Jayanta Ramesh Bhosale and Deva Ramesh Bhosale and therefore the Accused assaulted with hands, stick and shovel/spade. In the said incident, Deva Ramesh bhosale succumbed to the resultant injuries.

4. It is the contention of Mr. Bhujbal, learned Counsel for the Applicant that in fact there is a cross case being C.R. No.468 of 2023. He submitted that in the said incident, said Mayur Sudhakar Kale also died and therefore there is a cross complaint lodged. He submitted that the role alleged against the Applicant is only of assaulting with hands and kicks. He submitted that the Applicant was arrested on 17th May 2023 and Charge-sheet was filed on 24th July 2023. He submitted that

there are no antecedents against the Applicant. He submitted that the Applicant had no motive to commit the offence in question and therefore the Applicant be enlarged on bail.

5. On the other hand Ms. Shinde, learned APP strongly opposed the Bail Application. She submitted that there are eye-witnesses to the incident. She submitted that the Applicant had actively participated in the commission of the offence and therefore the Bail Application be rejected. However, after taking instructions, she submitted that the Applicant does not have antecedents.

6. Perusal of the record shows that the incident in question took place on 16th May 2023, F.I.R. was lodged on 17th May 2023 and the Applicant was arrested on 17th May 2023. It is an admitted position that investigation has been completed and that Charge-sheet has been filed on 24th May 2023. As per the Charge-sheet, there are 16 witnesses proposed to be examined by the prosecution. Till date there is no progress in the trial and even the charge is also not framed yet. Accordingly, the trial is likely to take a considerably long time to conclude.

7. *Prima facie*, there is substance in the contention raised by learned Counsel for the Applicant that the Applicant had no motive and the only role attributed to the Applicant is that the Applicant assaulted with hands and kicks. There are cross cases where one of the Accused had

died.

8. Ms. Shinde, learned APP submitted that the Applicant and Deceased are related and the witnesses are from the same locality where the Applicant is residing. In view of that, Mr. Bhujbal, learned Counsel for the Applicant, after taking instructions, states that, the Applicant will therefore not reside within Taluka-Shirur, District-Pune and that the Applicant will reside at his residence i.e. At Post Patethan, Taluka-Daund, District-Pune and the Applicant will not enter the Taluka-Shirur, District-Pune.

9. The Applicant is a young man aged 26 years.

10. The Applicant does not have any criminal antecedents.

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

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

13. In view thereof, the following order:-

ORDER

- (a) The Applicant-Rashidh Kunjir Bhosale be released on bail in connection with C.R. No.467 of 2023 registered with the Shikrapur Police Station, District-Pune on his furnishing PR. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Taluka-Shirur, District-Pune 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 Yavat Police Station, Taluka-Daund, District-Pune once in fifteen days i.e. on 1st and 3rd Sunday of every month between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Yavat Police Station, Taluka-Daund, District-Pune 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 prosecution evidence and shall not contact or influence the Complainant or any witness 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.

14. The Bail Application is disposed of accordingly.

15. 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.]