



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.279 OF 2024

Dhanraj Gajanan Raut

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr Aniket Nikam a/w. Mr. Satyajeet Mane and Mr. Dushywant Digambar, Advocates for the Applicant.

Ms. S. S. Kaushik, APP for the Respondent-State.

Mr. Sandip Waghmare, A.P.I. attached to Vishrambaug Police Station, Sangli present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 9th FEBRUARY 2024

PC:-

1. Heard Mr. Nikam, learned Counsel appearing for the Applicant and Ms. 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.	288 of 2022
2.	Date of Registration of F.I.R.	04/07/2022
3.	Name of Police Station	Vishrambaug Police Station, District-Sangli

4.	Section/s invoked	302 of the I.P.C.,1860
5.	Date of Incident	04/07/2022
6.	Date of Arrest	04/07/2022
7.	Date of filing of Charge-sheet	03/10/2022

3. As per the prosecution case, on 4th July 2022 at about 5.30 a.m., the deceased was lying in a pool of blood in front of one bungalow which is near the residence of the deceased and was also bleeding from his head and ears. In the investigation it has transpired that on 3rd July 2022 in the night the deceased and the Applicant went to a restaurant named 'Utkarsh Bar' and consumed liquor. Thereafter both of them were found sitting on a bench near the Datta Nagar Chowk and were abusing each other and thereafter the dead body of the deceased was found at 5.30 a.m.

4. Mr. Nikam, learned Counsel appearing for the Applicant states that this is a case of circumstantial evidence. He submitted that although there are few circumstances against the Applicant, the chain is not complete. He submitted that the investigation is completed and Charge-sheet is filed on 3rd October 2022 and thereafter except framing of the charge, there is no further

progress in the trial. Therefore, he has prayed for granting bail to the Applicant.

5. Ms. Kaushik, learned Counsel appearing for the Applicant strongly opposed the Applicant. She submitted that the circumstances on record clearly shows the involvement of the Applicant in the offence. She submitted that nature of the Applicant is that he suddenly becomes angry and thereafter commits offences. She submitted that there are two antecedents against the Applicant and therefore the Bail Application be rejected.

6. Perusal of the record clearly shows that the case is of circumstantial evidence. The record also shows that both the Applicant and the deceased were inebriated at the relevant time. The incident has occurred on 4th July 2022 and the offence was also registered on 4th July 2022 and Charge-sheet has been filed on 3rd October 2022. The investigation is completed and although about more than 1 and ½ years have passed after arrest of the Applicant, there is no progress in the trial except framing of the charge. As per the prosecution case, there are about 45 witnesses

proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. As far as the antecedents are concerned, the details of the same are as follows:-

Sr. No.	C.R. No.	Police Station	Sections invoked
1	1 of 2021	Vishrambaug Police Station, Pune	324 and 323 of the I.P.C., 1860
2	125 of 2022	Vishrambaug Police Station, Pune	

8. Mr. Nikam, learned Counsel appearing for the Applicant fairly pointed out that there is another antecedent bearing C.R. No.269 of 2015 registered with Sangli City Police Station. However, he submitted that the same has resulted in an acquittal by the Judgment and Order dated 22nd August 2023 passed by the learned Additional Sessions Judge, Sangli in Sessions Case No.120 of 2016. The offences which are subject matter of the above antecedents are bailable offences.

9. Mr. Nikam, learned Counsel appearing for the Applicant states that as several witnesses are from District-Sangli, the Applicant will therefore not reside within District-Sangli and that the Applicant will reside at C/o. Shrikant Janardan Jadhav, Ward No.8, Ajinkya Tara Mandal, Near Shirol, Taluka-Shirol, District-Kolhapur.

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-Dhanraj Gajanan Raut be released on bail in connection with C. R. No.288 of 20222 registered with the Vishrambaug Police Station, Taluka-Khed, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall not enter the Pune 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 Shirol Police Station, Taluka-Shirol, District-Kolhapur 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 Shirol Police Station, Taluka-Shirol, District-Kolhapur 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.

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 own merits and uninfluenced by the observations made in this order.

(MADHAV J. JAMDAR, J.)