



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.399 OF 2024

Manthan Arjun Dhulap ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Satyavrat Joshi, Advocate for the Applicant.
Ms. S. S. Kaushik, APP for the Respondent-State.
Mr. Devidas R. Salve, P.S.I. attached to Malegaon Police Station,
Pune Rural present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 1st FEBRUARY 2024

PC:-

1. Heard Mr. Joshi, 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.	52 of 2022
2.	Date of Registration of F.I.R.	29/10/2022
3.	Name of Police Station	Malegaon Police Station, Taluka-Baramati, District-Pune
4.	Section/s invoked	302 of I.P.C.,1860

5.	Date of Incident	28/10/2022
6.	Date of Arrest	31/10/2022
7.	Date of filing of Charge-sheet	27/01/2023

3. The Applicant is younger brother of the deceased. The incident in question occurred on 28th October 2022. The deceased had borrowed an amount of Rs.1,40,000/- from the Applicant and his mother for starting his footwear business. When the Applicant had asked the deceased about the said amount and whether any business has been started, the deceased informed him that entire amount was invested in share market and the said amount is lost and nothing is left with him. Thereafter, the deceased started assaulting the present Applicant with fist and kick blows on his chest and due to sudden provocation, the Applicant assaulted the deceased with knife and the deceased succumbed to the injuries.

4. Mr. Joshi, learned Counsel appearing for the Applicant states that the deceased is brother of the present Applicant and the incident in question had occurred after grave and sudden provocation. He submitted that the date of incident is 28th October 2022 and the Applicant was arrested on 31st October 2022 and the

Charge-sheet has been filed on 27th January 2023. As per the Charge-sheet there are 17 witnesses. He submitted that the Applicant few months before the alleged incident got married. He submitted that there is no criminal antecedent against the Applicant. Therefore, the Applicant be released on bail.

5. Ms. Kaushik, learned APP strongly opposed the Application. She submitted that the Applicant has used knife and assaulted on vital part of the body of the deceased and therefore, bail be not granted to the Applicant.

6. Perusal of the Charge-sheet shows that the incident has occurred in a spur of the moment and on grave and sudden provocation. It is clear that the deceased had started assaulting the Applicant with fist and kick blows and thereafter, due to sudden provocation, the incident had occurred.

7. The Applicant was arrested on 31st October 2022. Charge-sheet has been filed on 27th January 2023. As per the Charge-sheet there are 17 witnesses. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. The Applicant does not have any criminal antecedents.
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Manthan Arjun Dhulap be released on bail in connection with C. R. No.52 of 2022 registered with the Malegaon Police Station, Taluka-Baramati, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with two 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 Malegaon Police Station, Taluka-Baramati, District-Pune 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 evidence and shall not contact or influence the Complainant or any witnesses 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.

11. The Bail Application is disposed of accordingly.

(MADHAV J. JAMDAR, J.)