

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

BAIL APPLICATION NO. 923 OF 2024

Dipak Rajendra Chavan

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Himanshu S. Gavit, Advocate for the Applicant.

Mr. S. S. Chaudhari, APP, for the Respondent – State.

CORAM:MADHAV J. JAMDAR, J.

DATE :05.03.2024

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1. Heard Mr. Gavit, learned Counsel for the Applicant and Mr. Chaudhari, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973* ("CrPC"). The relevant details are as follows:-

1.	C. R. No.	179 of 2023
2.	Date of registration of F.I.R.	11.07.2023
3.	Name of Police Station	Gangapur Police Station, District - Nashik
4.	Date of incident	08.07.2023
5.	Date of arrest	11.07.2023
6.	Date of death of deceased	25.07.2023
7.	Date of filing of Charge-sheet	October 2023
8.	Sections invoked	302, 307, 326, 232, 504, 506 r/ w. 34 of the I.P.C., 1860; 135 of the Maharashtra Police Act, 1951

3. As per the prosecution case, the Deceased has stolen the cell phone of the sister of the Accused No.1 – Prem Vyalij because of which some altercation took place between the Accused and the Deceased and accused assaulted the deceased. There are in all four Accused. Accused No.1 – Prem Vyalij has been released on bail by the learned Sessions Court. The Applicant is Accused No.2.

4. Mr. Gavit, learned Counsel for the Applicant submitted that even as per the prosecution case, the Applicant has assaulted the deceased with a wooden rod. He submits that the assault by the Applicant is not the cause of death. He submitted that as per the P. M. Report, death is due to bilateral pneumonitis with septicemia in case of sharp injuries over chest, back and polytrauma. He submitted that the incident in question has taken place on the spur of the moment and in a sudden quarrel. He submitted that therefore, the Applicant is entitled to be released on bail.

5. On the other hand, Mr. Chaudhari, learned APP for the Respondent – State vehemently opposed the Bail Application. He submitted that the Applicant has mercilessly assaulted the deceased. He therefore submitted that the Bail Application may be rejected.

6. A perusal of the record shows that the incident in question had taken place on 08.07.2023. The Applicant was arrested on 11.07.2023.

As per the statements recorded during the investigation, the Applicant had taken the deceased to the hospital in his car.

7. The trial 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 - Dipak Rajendra Chavan be released on bail in connection with C. R. No.179 of 2023 registered with the Gangapur Police Station, District – Nashik on his furnishing P. R. Bond of Rs.25,000/- 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 Gangapur Police Station, District – Nashik once a week on the Sunday of every week 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.

11. The Bail Application is disposed of accordingly.

12. 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.]