



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

BAIL APPLICATION NO. 1121/2024

DADA SHAMRAO JADHAV	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Vikas B. Shivarkar for the Applicant.

ASI Pandurang Jadhav, Ozar Police Station, Nashik

Mr. Swapnil V. Walve, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 25, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is the second application for bail in respect of the offence punishable under Section 302 of the Indian Penal Code registered on 30/04/2022 vide C.R. No.55 of 2022 with Ozar Police Station, Nashik.
3. The earlier Bail Application No.87 of 2023 was withdrawn vide order dated 06/09/2023 with liberty to apply for bail after six months. It is informed that since then there is no progress in the trial.

4. The applicant was arrested on 01/05/2022. The date of the alleged incident is 30/04/2022 at around 10.00 p.m. The deceased was sitting and chatting with some of his acquaintances in a chowk. The witness 'S' came down to the chowk to enquire about the applicant. The witness 'S' was teased by the deceased about her relationship with the applicant. When the applicant came to know that 'S' was teased by the deceased, he went to the chowk and confronted the deceased. The deceased appears to have stated that it is because of the applicant's relationship with 'S' that the applicant's wife and children left him. In the quarrel and scuffle that followed between the applicant and the deceased, which was tried to be prevented by 'S' and other acquaintances, the applicant was hit on his head with a stone. The applicant then took out a sharp-edged weapon - Kukari from his pocket and gave a blow with it on the neck of the deceased. The applicant has also suffered injuries that are simple in nature.

5. The learned counsel for the applicant submitted that the possibility of grave and sudden provocation cannot be

ruled out. It is further submitted that the offence was not premeditated.

6. Learned APP opposed the application and submitted that the applicant went in full preparation to commit the offence.

7. *Prima facie*, the possibility of sudden and grave provocation cannot be ruled out. There are no criminal antecedents reported against the applicant. The applicant is in custody almost for 2 years as an undertrial. The possibility of trial concluding any time soon appears remote. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant - Dada Shamrao Jadhav in connection with C.R. No.55 of 2022 registered with Ozar Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail

surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Ozar police station once in a month, first Monday of every month, between 11.00 a.m. and 1.00 p.m. till the trial concludes.

(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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) Except for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Ozar Police Station after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

8. The application is disposed of.

(M. S. KARNIK, J.)