

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

BAIL APPLICATION NO. 1371 OF 2024

Ankush Ramrao Kove

.Applicant

Versus

The State of Maharashtra & Ors.

.Respondents

Mr. Tapan Thatte a/w. Mr. Vivek Arote, Advocates, for the Applicant.
Mr. S. M Mangaonkar, APP, for Respondent No.1 – State.
Mr. Kishor H. Pawar, API-Loni Kalbhor Police Station, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATE: 08.04.2024

P. C.

1. Heard Mr. Thatte, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP for Respondent No. 1-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.	578 of 2022
2.	Date of registration of F.I.R.	08.11.2022
3.	Name of Police Station	Loni Kalbhor, Pune
4.	Section/s invoked	302 of the I.P.C., 1860; 37(1) r/w. 135 of the Bombay Police Act, 1951.
5.	Date of incident	07.11.2022
6.	Date of arrest	08.11.2022
7.	Date of filing of Charge-sheet	28.01.2023

3. As per the prosecution case, the Applicant and the deceased were friends and on the date of the incident i.e. on 07.11.2022, both

of them were sitting in a ground and were consuming liquor. It appears that when both of them were under the influence of alcohol, some quarrel broke out between them during which the Applicant assaulted the deceased with stones.

4. Mr. Thatte, learned Counsel for the Applicant submitted that the incident in question occurred on the spur of the moment. There was no intention to commit the offence in question. He submitted that the Applicant was apprehended on 08.11.2022 and the Charge-sheet has already been filed on 28.01.2023. Till date, there is no progress in the trial. He submitted that there are no antecedents.

5. On the other hand, Mr. Mangaonkar, learned APP for Respondent No.1-State vehemently opposed the Bail Application. He submitted that there is one eye-witness to the incident. He submitted that the Applicant has mercilessly assaulted the deceased with stones. He therefore prayed that the Application may be rejected. On instructions, he submitted that there are no antecedents.

6. *Prima facie*, there is substance in the contention advanced by learned Counsel for the Applicant that the incident has taken place when both of them were under the influence of alcohol. The incident in question has taken place on the spur of the moment. There are no antecedents.

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.

11. In view thereof, the following order:-

ORDER

(a) The Applicant - Ankush Ramrao Kove be released on bail in connection with C. R. No.578 of 2022 registered with the Loni Kalbhor Police Station, District- Pune on his furnishing P. R. Bond of Rs.15,000/- with one or two local 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 Loni Kalbhor Police Station, District – Pune as and when required.

(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.

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 merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]