

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

BAIL APPLICATION NO.1468 OF 2024

Sachin Dattopant Kulthe

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi i/b Kanishka Hasabnis, for the Applicant.

Mr. Shriram S. Chaudhari, APP, for the Respondent-State.

Mr. Kshirsagar, P.I. & Mr. Chikle, A.S.I., Sinhgad Road Police Station, District-Pune, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : APRIL 15, 2024

P. C.

1. Heard Mr. Joshi, 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*. The relevant details are as follows:-

1	C. R. No.	450 of 2021
2	Date of registration of F.I.R.	16/10/2021
3	Name of Police Station	Sinhgad Road Police Station, District-Pune
4	Section/s invoked	302 of the <i>I.P.C., 1860</i> .
5	Date of incident	07/10/2021-15/10/2021
6	Date of arrest	16/10/2021
7	Date of filing Charge-sheet	12/01/2022

3. As per the prosecution case, the Applicant is a habitual alcoholic. He was in the habit of assaulting his family members under the influence of alcohol. The incident in question took place on or about 15/10/2021 when the Applicant assaulted the deceased on hands, legs and back with a wooden stick. The deceased is the mother of the Applicant.

4. Mr. Joshi, learned Counsel for the Applicant submitted that the case is of circumstantial evidence. There is no direct evidence against the Applicant. The Applicant is incarcerated since 16th October 2021. He submitted that even if the entire prosecution case is accepted, then the Applicant has assaulted the deceased-mother with a wooden stick while under the influence of alcohol and therefore there was no intention to commit the offence in question punishable under Section 302 of the *Indian Penal Code, 1860*.

5. On the other hand, Mr. Chaudhari, learned APP strongly opposed the Bail Application. He submitted that the Applicant has mercilessly assaulted his mother. He therefore submitted that the Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 15th October 2021, F.I.R. was lodged on 16th October 2021 and the Applicant was arrested on 16th October 2021. It is an admitted position that the Charge-sheet has been filed on 12th January 2022. As

per the Charge-sheet, there are several witnesses proposed to be examined by the prosecution. There is no further progress in the trial and even the charges are also no framed. The trial is likely to take a considerably long time.

7. *Prima facie*, there is substance in the contention raised by learned Counsel for the Applicant that the incident in question took place when the Applicant was under the influence of alcohol.

8. Mr. Joshi, learned Counsel for the Applicant states that as several witnesses are from District-Pune and District-Nanded, the Applicant will therefore not reside within District-Pune and District-Nanded, and that the Applicant will reside at C/o. Vijay Gosavi, 9, Navdurga Galli, Vikramnagar E-Ward, Karveer, Gur Market Yard, Kolhapur – 416 005.

9. The Applicant does not have any criminal antecedents.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:-

ORDER

- (a) The Applicant-Sachin Dattopant Kulthe be released on bail in connection with C.R. No.450 of 2021 registered with the Sinhgad Road Police Station, District-Pune on his furnishing PR. Bond of Rs.25,000/- with one or two local solvent sureties

in the like amount.

- (b) The Applicant shall not enter the Pune and Nanded districts 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 Rajarampuri Police Station, District-Kolhapur once every week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Rajarampuri Police Station, 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 prosecution evidence and shall not contact or influence the Complainant or any witness 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.

13. The Bail Application is disposed of accordingly.

14. 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.]