

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

CRIMINAL BAIL APPLICATION NO. 1497 OF 2024

Vijay Laxman Shid

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Gaurav Parkar, Advocate, for the Applicant.

Mr. S.M. Mangaonkar, APP, for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 9th May 2024

P. C.

1. Heard Mr. Parkar, learned Counsel for the Applicant and Mr. Mangaonkar, 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.	41 of 2022
2.	Date of registration of F.I.R.	4 th April 2022
3.	Name of Police Station	Nagothane, District-Raigad.
4.	Section/s invoked	302 and 201 of <i>I.P.C., 1860</i> ;
5.	Date of incident	3 rd April 2022
6.	Date of arrest	4 th April 2022
7.	Date of filing Charge-sheet	July 2022

3. As per the prosecution case, the Applicant (aged 23 years) was in a relationship with the deceased- Dipali Ganpat Shinde (aged 32 years).

Both of them are relatives. As per the prosecution case, the deceased was demanding money from time to time from the Applicant and therefore, the Applicant committed the crime. As per the prosecution case, the Applicant had committed the crime by assaulting the deceased and thereafter tried to destroy the evidence by burning her mortal remaining.

4. It is the submission of Mr. Parkar, learned Counsel for the Applicant that the case is of circumstantial evidence. The only incriminating material is last seen together and purchase of matchbox by the Applicant. He submitted that there is no strong incriminating material against the Applicant. He submitted that the Applicant is a young person aged 23 years, he has no antecedents. He submitted that in any case even if the entire prosecution case is admitted as it is, the incident in question has taken place on a spur of the moment and therefore the Applicant be enlarged on bail.

5. On the other hand, Mr. Mangaonkar, learned APP strongly opposed the Bail Application. He pointed out the statement of Jayesh Yashwant Ghase (Page-142) and Chetan Bhagwan Gadmale (Page-145) and submitted that the Applicant was last seen together with the deceased. He submitted that there is a recovery of matchbox, motorcycle, empty bottle and blood-stained clothes. He also pointed out the statement of witness – Gautam Baban Pagare, who has stated that

the Applicant suddenly came for purchase of matchbox and at that time he was in a rush.

6. Perusal of the record shows that the incident in question took place on 3rd April 2022, the F.I.R. was lodged on 4th April 2022, the Applicant was arrested on 4th April 2022 and the Charge-sheet was filed in July 2022. As per the Charge-sheet, there are 27 witnesses proposed to be examined by the prosecution. There is no progress in the trial except framing of Charge. The Charge is framed on 6th July 2023 and thereafter there is no further progress in the trial and not a single witness is examined. Therefore, the trial is likely to take a considerably long time.

7. *Prima facie*, there is substance in the contention of the learned Counsel for the Applicant that the incident took place on the spur of the moment and that there was no intention to commit offence in question. The Applicant is a young person aged 23 years.

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

9. The Applicant does not have any criminal antecedents.

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

11. In view thereof, the following order:-

ORDER

(a) The Applicant – Vijay Laxman Shid be released on bail in connection with C.R. No.41 of 2022 registered with the Nagothane Police Station, District - Raigad on his furnishing P. R. Bond of Rs.10,000/- 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 Nagothane Police Station, District - Raigad 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 prosecution evidence and shall not contact or influence the Complainant or any prosecution 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 Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this Order.

[MADHAV J. JAMDAR, J.]