

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

BAIL APPLICATION NO. 1132 OF 2023

Tanmay Pravin Dhanva

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Aniket Vagal a/w. Mr. Kunal N. Pednekar, Mr. Divesh Mehani
& Ms. Savvy Kolhekar, Advocate, for the Applicant
Ms. Veera Shinde, APP, for the Respondent – State
Mr. P. A. Nemane, PSI, Sarkarwada Police Station, Nashik present

CORAM : MADHAV J. JAMDAR, J.

DATE : 19.01.2024

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1. Heard Mr. Vagal, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent – State.

2. This Application for regular bail is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. NO.	11 of 2021
2.	Date of Registration of F.I.R.	13.01.2021
3.	Police Station Name	Sarkarwada Police Station, Nashik
4.	Section/s Invoked	302, 323 & 506 of I.P.C., 1860
5.	Date of Incident	12.01.2021 to 13.01.2021
6.	Date of Arrest	13.01.2021

3. As per the prosecution case, the deceased and the Applicant were taking education in a college at Nashik. As reflected in the F. I. R. and in the statements of the witnesses, the Applicant and the deceased were in a relationship from the year 2017 to 2021. Thereafter, there was a relationship between the deceased and one Kunal. As a result of the same, the Applicant was upset with the deceased due to her decision/behaviour. He went to her college on 12.01.2021 and from there, they went to Hotel City Palace, near old C.B.S. bus stand, Nashik and the incident has occurred between 12.01.2021 and 13.01.2021.

4. It is the submission of Mr. Vagal, learned Counsel appearing for the Applicant that the incident has occurred in a spur of the moment. He further submitted that the Applicant is in custody since 13.01.2021 i.e. for the last three years. He further submitted that although the trial has commenced, there are 38 witnesses to be examined by the prosecution as per the Charge-sheet and the trial will take a longer time to complete.

5. On the other hand, Ms. Shinde, learned APP appearing for the Respondent - State vehemently opposes the Bail Application on the ground that although the case is of circumstantial evidence, the same shows involvement of the Applicant in the

present crime. She further submitted that the trial has already commenced and that the bail may not be granted to the Applicant.

6. However, a perusal of the statements of the witnesses shows that *prima facie*, there is substance in the contention of Mr. Vagal, learned Counsel appearing for the Applicant that although the Applicant was upset with the deceased, as earlier she had a relationship with the Applicant for about four years, and thereafter, she developed relationship with one Mr. Kunal, however, the incident has occurred in a spur of the moment.

7. In any case, the investigation is complete. At the time of the incident, the Applicant's age was 21 years. The Applicant has been under incarceration for more than three years. Although the trial has commenced, the trial is likely to take a considerably long time.

8. The present Applicant does not have any criminal antecedents.

9. Mr. Vagal, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, therefore, the Applicant will reside outside the jurisdiction of Sarkarwada Police Station, Nashik and will reside at post - Maswan, Taluka/District - Palghar and will

attend the Manor Police Station which is about 100 Km from Nashik.

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

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

O R D E R

(i) The Applicant - Mr. Tanmay Pravin Dhanva in connection with C. R. No. 11 of 2021 registered with the Sarkarwada Police Station, Nashik be released on bail on his furnishing P. R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;

(ii) The Applicant shall not enter the jurisdiction of the Sarkarwada Police Station, Nashik on being released on bail except for reporting to the Investigating Officer, if called and for attending the trial;

(iii) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep him updated, in case there is any change;

(iv) The Applicant shall report to the Manor Police Station, Palghar District once every week, on every Sunday between 11.00 a. m. and 1.00 p. m. till the conclusion of trial. The Police Inspector of Manor Police Station, Palghar District to communicate details thereof to the Investigating Officer;

(v) 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;

(vi) The Applicant shall not tamper with the evidence;

(vii) The Applicant shall regularly attend the trial;

(viii) The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat;

(ix) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]