

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1578 OF 2024

Chetan @ Chaitnya Manohar Ghorpade	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms. Samiksha Pawar i/b. Mr. Ramanik Pawar, Ms. Dhanashree Jagadale, Ms. Trupti Jambulkar and Mr. Shivtej Takalkar, Advocates, for the Applicant.
 Mr. P. P. Deokar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 22nd APRIL 2024

PC:-

1. Heard Ms. Pawar, learned Counsel for the Applicant and Mr. Deokar, 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.	38 of 2021
2.	Date of registration of F.I.R.	20/02/2021
3.	Name of Police Station	Shirol, District-Kolhapur
4.	Section/s invoked	302 of the Indian Penal Code,

		1860
5.	Date of incident	20 th February 2021
6.	Date of arrest	22 nd February 2021
7.	Date of filing of Charge-sheet	30 th April 2021

3. The Applicant is husband of the deceased-Archana. Their love marriage was solemnized on 6th February 2013. However, thereafter there were frequent quarrels between them as the Applicant harboured suspicions about the character of the deceased. As per the prosecution case, the incident in question occurred on 20th February 2021 when the deceased was at her mother's place due to the harassment by the Applicant. On that day, the Applicant called the deceased in the afternoon at his residence and requested the deceased to cohabit with him and assured the deceased that he would behave properly. Thereafter, some altercation took place between the deceased and the Applicant. At that time, the Applicant assaulted the deceased with a blade and also strangled her with a mobile charger cable. As per the prosecution case, thereafter he tried to die by suicide.

4. It is the contention of Ms. Pawar, learned Counsel for the Applicant that the incident in question occurred on the spur of the moment. She submitted that the Applicant is incarcerated since 22nd February 2021. She submitted that the case is of circumstantial evidence and in fact, the Applicant tried to die by suicide after the incident. She submitted that there is no progress in the trial till date, except for framing of the charge. She submitted that there are no criminal antecedents against the Applicant. She therefore, submitted that the Applicant be released on bail.

5. On the other hand, Mr. Deokar, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that although the case is of circumstantial evidence, there are strong circumstances against the Applicant. The Applicant was all along harassing the deceased and therefore, the deceased had moved to her mother's house. He submitted that there are incriminating circumstances to show that the Applicant had assaulted the deceased with a blade and also strangled her with a mobile charger cable. He therefore, submitted that the Bail Application be rejected.

6. Perusal of the record shows that in the present case, the incident in question occurred on 20th February 2021, F.I.R. was lodged on 22nd February 2021, the Applicant was arrested on 22nd February 2021 and, Charge-sheet was filed on 30th April 2021. There is no progress in the trial, except framing of the charge. As per the Charge-sheet, there are 38 witnesses. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. *Prima facie*, there is substance in the contention raised by Ms. Pawar, learned Counsel for the Applicant that the incident in question occurred on the spur of the moment.

8. There are no criminal antecedents against the present Applicant.

9. Ms. Pawar, learned Counsel for the Applicant states that as several witnesses are residing in Taluka-Shirol, District-Kolhapur the Applicant will therefore not reside within Taluka - Shirol, District - Kolhapur and that the Applicant will reside at C/o. Bhikaji Sambhaji Narke (Brother-in-law of real Sister of the

Applicant), 689, A Ward, Near 8 No. School, Shivaji Peth, Kolhapur.

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 – Chetan alias Chaitnya Manohar Ghorpade be released on bail in connection with C.R. No.38 of 2021 registered with the Shirol Police Station, District - Kolhapur 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 Shirol Taluka, District-Kolhapur 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 Juna Rajwada Police Station, District - Kolhapur once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Juna Rajwada 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 Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]

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