

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

BAIL APPLICATION NO. 1672 OF 2024

Raju Chinappa Singsani

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Aditya Mokashi a/w. Mr. Swapnil S. Telang, Advocates, for the Applicant.

Mr. P. P. Malshe, APP, for the Respondent-State.

Mr. Ankur Shelar, PSI-Panvel City Police Station present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 23.04.2024

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1. Heard Mr. Mokashi a/w. Mr. Telang, learned Counsel for the Applicant and Mr. Malshe, 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.	214 of 2016
2.	Date of registration of F.I.R.	03.06.2016
3.	Name of Police Station	Panvel City, Raigad District
4.	Sections invoked	201 & 302 of the I.P.C., 1860
5.	Date of incident	30.05.2016
6.	Date of arrest	18.08.2023
7.	Date of filing of Charge-sheet	02.09.2016
8.	Date of filing of Supplementary Charge-sheet	01.09.2023

3. As per the prosecution case, the Applicant/Accused No.2, and

co-Accused–Krishna Moulappa Ganji–Accused No.1 were working on a construction site as a painter. All of them were working for B. G. Shirke & Co.. The said work order was issued in the name of the deceased. Therefore, all payments were received by the deceased. The Accused were of the opinion that the deceased was not giving a fair share out of the said payment received by the deceased to them. Therefore, some altercation took place between the Accused and the deceased and the Accused assaulted the deceased with a stone.

4. It is the contention of learned Counsel for the Applicant that the Accused No.1 who has been attributed with the main role, has already been released on bail by the learned District & Sessions Judge, Panvel, District–Raigad. He submitted that Charge has been framed. However, there is no further progress in the trial. He submitted that the incident has taken place on the spur of the moment. There was no intention to commit the offence which is punishable under Section 302 of the *Indian Penal Code, 1860*. He submitted that there are no antecedents.

5. On the other hand, Mr. Malshe, learned APP for the Respondent–State vehemently opposed the Bail Application. He submitted that the incident in question has taken place on 30.05.2016. The Applicant was arrested on 18.08.2023. He submitted that the Applicant was absconding.

6. Learned Counsel for the Applicant submitted that the Applicant is a labour working on different sites. He submitted that as the said

work was completed, he went to different sites from time to time to work as a painter. He, therefore, submitted that the Applicant is not absconding and as the main role was that of Accused No.1, he was not aware that the offence is also registered against him.

7. A perusal of the record shows that the incident in question has taken place on 30.05.2016. The F.I.R. was lodged on 03.06.2016. The Charge-sheet was filed on 02.09.2016. The present Applicant was arrested on 18.08.2023. The Supplementary Charge-sheet was filed on 01.09.2023. As per the Charge-sheet, there are 35 witnesses proposed to be examined by the prosecution. Till date, there is no substantial progress in the trial except framing of charge.

8. *Prima facie*, there is substance in the contention of learned Counsel for the Applicant that the incident in question has taken place on the spur of the moment.

9. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

10. The Applicant does not have any criminal antecedents.

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

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

13. In view thereof, the following order:-

ORDER

(a) The Applicant - Raju Chinappa Singsani be released on bail in connection with C. R. No.214 of 2016 registered

with the Panvel City Police Station, District-Raigad on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent 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 Panvel City Police Station, District–Raigad once a week on the 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 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.

14. The Bail Application is disposed of accordingly.
15. 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.]