

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1828 OF 2024

Gaurav Ramesh Karkile	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms. Keral Mehta a/w. Mr. Niranjan Mundari, Advocates, for the Applicant.
 Ms. S. S. Kaushik, APP, for the Respondent-State.
 Mr. D. G. Sontakke, P.S.I.-Hadapsar Police Station, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 3rd MAY 2024

P. C.:

1. Heard Ms. Mehta, learned Counsel for the Applicant and Ms. Kaushik, 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.	660 of 2022
2.	Date of registration of F.I.R.	06/06/2022
3.	Name of Police Station	Hadapsar, District-Pune
4.	Sections invoked	302 r/w. 34 of the IPC, 1860
5.	Date of incident	05/06/2022
6.	Date of arrest	20/06/2022

7.	Date of filing of Charge-sheet	16/09/2022
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3. As per the prosecution case, there are total 4 Accused persons. The Applicant is Accused No.1. The Applicant and Accused persons were friends and they used to consume liquor in the premises which was rented by the present Applicant. After consuming liquor they used to quarrel with each other and therefore, the neighbours were disturbed. In view of this, the owner Narmadabai Alkute has told the Applicant-Gaurav to vacate the said tenanted premises and he had assured that the said premises would be vacated by 15th June 2022. The incident in question occurred on 5th June 2022 at about 6:00 p.m.. All Accused as well as the deceased and other friends were consuming liquor and they were quarreling with each other. She ignored the same as this was a regular activity. On 6th June 2022 in the morning it was found that the door of the said room was not completely closed and therefore, Narmadabai went there and she found that the deceased was lying in an injured condition and he was bleeding from his head. She accordingly informed the brother of the deceased about the same and she left the said place for her work. In the evening, she came to know that the deceased was lying in

an unconscious condition and therefore, he was taken to the Sassoon General Hospital where the deceased succumbed to the resultant injuries.

4. It is the contention of Ms. Mehta, learned Counsel for the Applicant that the case is of circumstantial evidence. There is no eye-witness to the alleged incident. The Accused and the deceased were heavily inebriated when the incident in question took place. She submitted that there is no motive to commit the offence and that there are no antecedents against the Applicant.

5. On the other hand, Ms. Kaushik, learned APP for the Respondent-State strongly opposed the Bail Application. She submitted that although the case is of circumstantial evidence, the circumstances are very strong. She submitted that the Applicant was last seen with the deceased. She pointed out the statement of witness-Narmadabai Alkunte (Page-85) and submitted that the Applicant was last seen with the deceased. Therefore, she submitted that the Bail Application be rejected. However, after taking instructions, she submitted that there are no criminal antecedents against the Applicant.

6. Perusal of the record shows that in the present case, the incident in question occurred on 5th June 2022, F.I.R. was lodged on 6th June 2022, the Applicant was arrested on 20th June 2022 and, Charge-sheet was filed on 16th September 2022. There is no progress in the trial, except framing of the charge. As per the Charge-sheet, there are 18 witnesses proposed to be examined by the prosecution. 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 of Ms. Mehta, learned Counsel for the Applicant that the incident in question occurred when both the Applicant and the deceased were under the influence of alcohol.

8. The Applicant does not have any criminal antecedents.

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

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

11. In view thereof, the following order:

ORDER

- (a) The Applicant - Gaurav Ramesh Karkile be released on bail in connection with C.R. No.660 of 2022 registered with the Hadapsar Police Station, District - Pune 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 Hadapsar Police Station, Pune once in a week i. e. on every Sunday 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.

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.

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[MADHAV J. JAMDAR, J.]