

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1860 OF 2024

Mayur Sanjay Chavan	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Ranjit Pawar, Advocate, for the Applicant.
 Mr. Shriram S. Chaudhari, APP, for the Respondent-State.
 Mr. Devkar, Police Constable, Baramati City Police Station, District-Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 2nd MAY 2024

PC:-

1. Heard Mr. Pawar, learned Counsel for the Applicant and Mr. Chaudhari, 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.	584 of 2022
2.	Date of registration of F.I.R.	26/11/2022
3.	Name of Police Station	Baramati City, District-Pune
4.	Sections invoked	307, 323, 504, 506 r/w. 34 of the Indian Penal Code, 1860
5.	Date of incident	25/11/2022

6.	Date of arrest	26/11/2022
7.	Date of filing of Charge-sheet	16/02/2023

3. As per the prosecution case, the Informant and one Sanjay Chavan are neighbours. The Informant's son-Amol and said Sanjay Chavan's daughter-Dhanashree were in a romantic relationship. Since 23rd November 2022, the whereabouts of Amol and Dhanashree were not known. Therefore, the Informant and his family members were searching for Amol at different places. The Applicant is the brother of Dhanashree and he is Accused No.1. The Applicant's mother is Accused No.2. The Accused persons were under the impression that the family of the Informant was aware about the whereabouts of Amol and Dhanashree and therefore, they were repeatedly questioning the Informant and his family. On 25th November 2022, both the Accused arrived at the residence of the Informant and questioned them about the whereabouts of Amol and Dhanashree and at that time, the Applicant started abusing the deceased who was the son of the Informant and demanded that his sister be brought immediately and in that scuffle, the present Applicant assaulted the deceased on his head with a stone and with kicks and fist blows. The Accused No.1-

mother of the present Applicant assaulted the deceased on his chest with kicks and fist blows. The deceased was hospitalized and he succumbed to the resultant injuries on 3rd December 2022.

4. It is the contention of Mr. Pawar, learned Counsel for the Applicant that the alleged assault on the deceased was not preplanned and premeditated. The incident in question took place due to a sudden quarrel between the Applicant and Informant on account of a romantic relationship between the sister of the Applicant and the brother of the deceased. He submitted that the investigation is complete and Charge-sheet has been filed. He further submitted that the Applicant is a young man aged 23 years. He submitted that there are no criminal antecedents against the Applicant and therefore, the Applicant be released on bail.

5. On the other hand, Mr. Chaudhari, learned APP for the Respondent-State strongly opposed the Bail Application. He pointed out a complaint dated 26th November 2022 lodged by Amol and Dhanashree stating that the family members of Dhanashree have threatened them and that they got married on 23rd November 2022. He submitted that the Applicant was all

along threatening the family of the Informant after Amol and Dhanashree eloped and thus whereabouts were not known and therefore, it cannot be said that the incident in question occurred due to a sudden quarrel. 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 25th November 2022, F.I.R. was lodged on 26th November 2022, the Applicant was arrested on 26th November 2022 and, Charge-sheet was filed on 16th February 2023. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 20 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 Mr. Pawar, learned Counsel for the Applicant that the incident in question occurred on account of a romantic relationship between the sister of the Applicant and brother of the deceased. Both of them have eloped and therefore, the Applicant was insisting that

his sister should be brought back. *Prima facie*, the incident in question occurred in a fit of rage.

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

9. Mr. Pawar, learned Counsel for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within Malegaon, Taluka-Baramati, District-Pune and that the Applicant will reside at C/o. Mr. Suresh Yashwant Chavan (Grandfather of the Applicant), Barhpur, Taluka-Baramati, District-Pune.

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 - Mayur Sanjay Chavan be released on bail in connection with C.R. No.584 of 2022 registered with the Baramati City Police Station, Taluka - Baramati, District - Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter Malegaon, Taluka-Baramati 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 Baramati Taluka Police Station, Taluka - Baramati, District - Pune once in a month on 1st Sunday of every month between 11:00 a.m. and 1:00 p.m. till the conclusion of the

trial. The Police Inspector of Baramati Taluka Police Station, Taluka - Baramati, District - Pune 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.]