

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

BAIL APPLICATION NO. 1927 OF 2024

Hanuman Shrimant Naikodi .Applicant

Versus

The State of Maharashtra .Respondent

Ms. Pooja Agarwal a/w. Mr. Shubham Sane, for the Applicant.
Mr. P. P. Malshe, APP, for the Respondent – State.
Mr. G. S. Ghule, PSI, present.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 10.05.2024**

P. C.

1. Heard Ms. Agarwal, 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.	207 of 2023
2.	Date of registration of F.I.R.	08.10.2023
3.	Name of Police Station	Bibwewadi, Pune
4.	Sections invoked	307, 302, 504 of the I.P.C., 1860
5.	Date of incident	08.10.2023
6.	Date of arrest	08.10.2023
7.	Date of filing of Charge-sheet	January 2024

3. As per the prosecution case, the deceased along with his family members consisting of his wife and two minor children were residing on the first floor of the house in question. As there were frequent

disputes between the deceased and his wife, his wife had left him for about one month. Therefore, the Applicant was insisting that now, the deceased and his two minor children should vacate the said house. The incident in question has taken place on 08.10.2023 at about 9.30 a.m. in the morning outside the said house when the deceased was on the two-wheeler and was ready to leave the said place. At that time, the Applicant assaulted the deceased with an iron hammer and the deceased succumbed to the resultant injuries.

4. It is the submission of Ms. Agarwal, learned Counsel for the Applicant that the incident in question has taken place on the spur of the moment. She submitted that there was no pre-planning. She submitted that a sudden fight broke out on the issue of vacating the house. Therefore, the incident in question took place. She submitted that the Applicant has no antecedents. She also tenders an affidavit-cum-undertaking stating therein that the Applicant has no objection if the first floor of the house in question is occupied by the two minor children and the wife of the deceased.

5. On the other hand, Mr. Malshe, learned APP vehemently opposed the Bail Application. He submitted that the Applicant had killed the deceased with an iron hammer. He pointed out the injuries which are recorded in the Post-Mortem Examination Report and also pointed out the cause of death recorded in the Post-Mortem Examination Report. Therefore, the Bail Application be rejected.

6. A perusal of the record shows that the incident in question has

taken place on 08.10.2023. The Applicant was arrested on 08.10.2023. The Charge-sheet was filed in January, 2024. As per the Charge-sheet, there are about 26 witnesses proposed to be examined by the prosecution.

7. *Prima facie*, there is substance in the contention of Ms. Agarwal, learned Counsel for the Applicant that the incident in question had taken place on the spur of the moment. After the incident in question has taken place, the two minor children lost their father who was also the only earning member of his the family.

8. In view of these circumstances, the affidavit-cum-undertaking dated 08.05.2024 was filed by the Applicant. The said undertaking is taken on record. The said undertaking is voluntarily given by the Applicant. There are no antecedents.

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 - Hanuman Shrimant Naikodi be released on bail in connection with C. R. No.207 of 2023 registered with the Bibwewadi Police Station, District-Pune

on his furnishing P. R. Bond of Rs.15,000/- 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 Bibwewadi Police Station, District - Pune on the Sunday of every week 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.]