

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

CRIMINAL BAIL APPLICATION NO. 1915 OF 2024

Somnath Suresh Naikwade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kamran S. Shaikh a/w Mr. Changdev S. Shingade, Mr. Sanket Karankote , Advocates, for the Applicant.
Mr. P. P. Deokar, APP, for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 3rd May 2024

P. C.

1. Heard Mr. Shaikh, 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.	452 of 2020
2.	Date of registration of F.I.R.	3 rd December 2020
3.	Name of Police Station	Nigdi, District-Pune
4.	Sections invoked	302 of <i>I.P.C., 1860</i> ;
5.	Date of incident	2 nd December 2020
6.	Date of arrest	3 rd December 2020
7.	Date of filing Charge-sheet	1 st March 2021

3. The Applicant and the deceased are real brothers. As per the prosecution case, the deceased returned to his house in an inebriated

condition and he was quarreling with his sister. Therefore, the Applicant took him out of the house. When they were discussing family matters, the deceased suddenly started assaulting the Applicant on the ground that the Applicant was supporting his sister. As the deceased was assaulting the Applicant, the Applicant got infuriated and the Applicant assaulted the deceased with a large stone.

4. It is the contention of Mr. Shaikh, learned Counsel for the Applicant that the entire prosecution case is based on circumstantial evidence. He referred to the C.C.T.V. footage on which the prosecution has relied on contending that the Applicant had assaulted the deceased. He submitted that in any case, the incident in question has taken place on the spur of the moment and that there was no preplanning. He submitted that the investigation is completed and the Charge-sheet was filed on 1st Mach 2021. Till date, there is no progress in the trial except framing of the Charge. The Charges were framed on 10th April 2023 and thereafter not a single witness has been examined. Thus, the trial will take considerable time to conclude.

5. Mr. Deokar, learned APP strongly opposed the application. He submitted that there is evidence in the nature of C.C.T.V. footage and therefore the Bail Application be rejected.

6. *Prima facie*, there is substance in the contention of the learned Counsel for the Applicant that the incident in question took place on the

spur of the moment. The Applicant is a labourer. There are no antecedents.

7. The Applicant does not appear to be at risk of flight.
8. The Applicant does not have any criminal antecedents.
9. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
10. In view thereof, the following order:

ORDER

(a) The Applicant - Somnath Suresh Naikwade be released on bail in connection with C.R. No.452 of 2020 registered with the Nigdi Police Station, District - Pune on his furnishing P.R. Bond of Rs.10,000/- with one or two sureties in the like amount.

(b) The Applicant is permitted to furnish cash bail surety in the sum of Rs.10,000/- for a period of eight weeks in lieu of surety.

(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 Nigdi Police Station, District - Pune as and when called until the conclusion of the

trial.

(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 prosecution 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.

11. The Bail Application is disposed of accordingly.

12. 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.]