

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1994 OF 2024

Sachin Bhimrao Naik ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Gaurav Parkar a/w. Mr. Shantanu Kadam, for the Applicant.
Mr. Prasanna P. Malshe, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 10th MAY 2024

P. C.:

1. Heard Mr. Parkar, 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.	7 of 2024
2.	Date of registration of F.I.R.	07/01/2024
3.	Name of Police Station	Nesari, District-Kolhapur
4.	Section/s invoked	302 of the Indian Penal Code, 1860 ("IPC")
5.	Date of incident	07/01/2024
6.	Date of arrest	19/01/2024

3. As per the prosecution case, the deceased misbehaved with the wife of the Applicant and therefore, the Applicant questioned the behaviour of the deceased and the deceased and the Applicant got into a heated argument and during the course of which, the Applicant hit the deceased with a wooden log which was lying beside the Applicant's house.

4. It is the submission of Mr. Parkar, learned Counsel for the Applicant that the offence punishable under Section 302 of the IPC is not made out. He submitted that the incident in question occurred on the spur of the moment. He submitted that the investigation is complete and Charge-sheet has been filed. There are 31 witnesses proposed to be examined by the prosecution. Therefore, the trial will take considerable time to conclude. He submitted that there are no criminal antecedents against the Applicant under the IPC. He therefore submitted that the Applicant be released on bail.

5. On the other hand, Malshe, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that

there are eye-witnesses to the incident. He therefore submitted that the Bail Application be rejected.

6. In this case, the Applicant was arrested on 19th January 2024. Subsequently, after completion of investigation, the Charge-sheet was filed. As per the Charge-sheet, there are 31 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. Parkar, learned Counsel for the Applicant that the incident in question occurred on the spur of the moment.

8. The Applicant does not have any criminal antecedents under the IPC.

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 – Sachin Bhimrao Naik be released on bail in connection with C.R. No.7 of 2024 registered with the Nesari Police Station, District - Kolhapur on his furnishing P.R. Bond of Rs.25,000/- with one or two local 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 Nesari Police Station, District - Kolhapur once 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.

[MADHAV J. JAMDAR, J.]

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