

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

BAIL APPLICATION NO.1939 OF 2023

Deepak Pradip Pachpinde

.Applicant

Versus

The State of Maharashtra & anr.

.Respondents

Mr. Premkumar Mishra a/w. Mr. Deepak S. Kasabe, Advocates,
for the Applicant.

Mr. Prasanna Malshe, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 22.02.2024

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1. Heard Mr. Mishra, learned Counsel appearing for the Applicant and Mr. Malshe, learned APP appearing 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.	85 of 2022
2.	Date of registration of F.I.R.	24.02.2022
3.	Name of Police Station	Chikhali Police Station, Pimpri-Chinchwad
4.	Sections invoked	302, 324, 504 r/w. 34 of the IPC, 1860
5.	Date of incident	24.02.2022
6.	Date of arrest	24.02.2022
7.	Date of filing of Charge-sheet	27.07.2022

3. The prosecution case is described in paragraph No.9 of the Order dated 04.07.2022 passed by the learned Additional Sessions Judge, Pune in Cri. B. A. No.3705 of 2022 filed by the present Applicant. Same is reproduced herein below for ready reference:-

“9] I have gone through the statement of witness Suresh Patel. As per his statement he and deceased slept in the tempo. At about 1.30 a. m. the deceased wake up and proceeded for urine. At that time, two boys who are acquainted with him, one is Suresh @ Suraj Navnath Raut i. e. co-accused and other’s name is not known to him, picked up quarrels saying that, they should not halt tempo on that spot. They assaulted to deceased. He tried to intercept. They have also abused and assaulted to him, meantime his two known persons came, those boys started assaulting to him, then the trio run away. He felt that, the deceased also ran away. In the morning when he visited the spot, he saw that deceased has sustained the injuries and unconscious.”

4. Mr. Mishra, learned Counsel appearing for the Applicant submitted that even if the entire prosecution case is accepted, then also the offence punishable under Section 302 of the *Indian Penal Code, 1860* is not made out. He submitted that position on record shows that the incident in question has taken place in a spur of the moment. He submitted that in fact, material on record shows that the Applicant is not involved in the alleged crime. In

any case, he submitted that Charge-sheet is filed, investigation is completed and the trial is likely to take a considerably long time.

5. On the other hand, Mr. Malshe, learned APP appearing for the Respondent - State submitted that the material on record shows that the Applicant was involved in the crime. He pointed out the statement of witness namely Mr. Suresh Ambika Patel, who is an eye witness. He submitted that there are eye witnesses to the incident. The said Mr. Suresh Ambika Patel is also injured in the incident. He, therefore, submitted that the Applicant was involved in the crime. He, therefore, vehemently opposed the Bail Application and submitted that the Applicant may not be released on bail.

6. A perusal of record shows that the incident in question occurred on the intervening night of 23.02.2022 and 24.02.2022. F.I.R. has been lodged on 24.02.2022, the Applicant was arrested on 24.02.2022 and Charge-sheet was filed on 27.07.2022. Investigation is complete.

7. *Prima facie*, there is substance in the contention raised by learned Counsel appearing for the Applicant that the incident in question has taken place due to sudden quarrel and in a spur of the moment. In any case, investigation is complete and Charge-sheet has been filed 27.07.2022. As per the Charge-sheet, there

are about 17 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

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. In view thereof, the following order:-

ORDER

(a) The Applicant – Mr. Deepak Pradip Pachpinde be released on bail in connection with C. R. No. 85 of 2022 registered with the Chikhali Police Station, Pimpri-Chinchwad on his furnishing P. R. Bond of Rs.10,000/- with one or two 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 Chikhali Police Station, Pimpri-Chinchwad on the first Sunday once a month between 11.00 a.m. and 1.00 p.m. until the conclusion of 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.

11. The Bail Application is disposed of accordingly.

12. It is clarified that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]