

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1941 OF 2023

Abhijit Chakradhar Parhad

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Amit Icham, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent-State.

Mr. Mahesh Maruti Dongare, PSI, Shikrapur Police Station,
Pune (Rural), present.

CORAM : MADHAV J. JAMDAR, J.

DATED : JANUARY 25, 2024

P.C.:

1. Heard Mr. Icham, learned Counsel appearing for the Applicant and Ms. Shinde, 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.	1041 of 2021
2	Date of Registration of F.I.R.	21/12/2021
3	Name of Police Station	Shikrapur Police Station, District - Pune
4	Section/s invoked	302 r/w 34 of the <i>Indian Penal Code, 1860</i>

5	Date of Incident	21/12/2021
6	Date of Arrest	22/12/2021
7	Date of filing Charge-sheet	2022

3. As per the prosecution case, there was previous enmity between the Applicant and the deceased due to a quarrel between the Applicant and deceased which took place about three years back. Thereafter also because of the said incident, on many occasions there were incidents of quarrel between the Applicant and the deceased. On 21st December 2021 at 5:15 p.m. the deceased along with another person came on motorcycle to the residence of the Applicant under the influence of alcohol. He told the Informant-mother of the Applicant that he wanted to kill the Applicant. The Applicant came and at that time, a quarrel broke out between the Applicant and the deceased and then the Applicant assaulted the deceased by inflicting 2-3 blows on his head with an iron rod lying below a tree nearby.

4. It is the submission of Mr. Icham, learned Counsel appearing for the Applicant that the incident has occurred in a spur of the moment. The Applicant is under incarceration for more than two years. The charge is also not yet framed and therefore the Applicant be released on bail.

5. On the other hand, Ms. Shinde, learned APP strongly opposed the Bail Application. She submitted that there are eye-

witnesses to the incident. The Applicant has assaulted the deceased with an iron rod on the vital part of the head and therefore the Applicant should not be released on bail.

6. In this case, the incident had occurred on 21st December 2021. The Applicant was arrested on 22nd December 2021. Till date, although the Applicant is incarcerated for more than two years, the charge is not framed. There are a total of 18 witnesses as per the Charge-sheet.

7. A perusal of the prosecution case shows that the incident had happened in a spur of the moment. In fact, this is a case where the deceased went to the house of the Applicant and threatened to kill the Applicant. The weapon used i.e. an iron rod was lying below a tree nearby where the incident occurred.

8. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed. There are 18 witnesses as per the Charge-sheet. The trial is likely to take a considerably long time. The Applicant does not have any criminal antecedents.

9. Mr. Icham, learned Counsel appearing 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 Pune District and that the Applicant will reside within the jurisdiction of Satara Police Station, District-Aurangabad.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Abhijit Chakradhar Parhad be released on bail in connection with C. R. No.1041 of 2021 registered with the Shikrapur Police Station, District-Pune on his furnishing P. R. Bond of Rs.25000/- with two solvent sureties in the like amount.
- (b) The Applicant shall not enter Pune District 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 Satara Police Station, District-Aurangabad once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Satara Police Station, District-Aurangabad 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 evidence and shall not contact or influence the Complainant or any

witnesses 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.

12. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]