



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2397 OF 2023

Krushna Baburao Sawant

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Gargi P. Joshi, Advocate for the Applicant.

Ms. S. S. Kaushik, APP for the Respondent-State.

Mr. Namdev Talwade, P.S.I., Chakan Police Station present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 1st MARCH 2024

PC:-

1. Heard Ms. Joshi, learned Counsel appearing for the Applicant and Ms. Kaushik, 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.	1386/2022
2.	Date of registration of F.I.R.	31/08/2022
3.	Name of Police Station	Chakan Police Station, Pune

4.	Section/s invoked	307, 323, 504, 506 of the I.P.C., 1860
5.	Date of incident	30/08/2022
6.	Date of arrest	31/08/2022
7.	Date of filing of Charge-sheet	10/11/2022

3. As per the prosecution case, the Informant along with the injured had gone to the hair salon where the Applicant was working. Some altercation occurred in the adjacent shop and therefore, the Applicant went to see the same. At that time, the Informant objected to the same as it was delaying the work and therefore, some altercation occurred between the Applicant and the Informant who is also injured and another injured. The Applicant went to the adjacent shop and brought a knife and assaulted the Informant and another injured.

4. Ms. Gargi Joshi, learned Counsel appearing for the Applicant submitted that the incident in question occurred on a spur of the moment and there was no intention to commit the offence.

5. On the other hand, Ms. Kaushik, learned APP appearing for the Respondent-State strongly opposed the Bail Application. She

submitted that the Applicant had used a weapon i.e. a knife and that he mercilessly assaulted the injured persons. Therefore bail be not granted to the Applicant.

6. The position on record shows that the incident in question occurred on 30th August 2022, F.I.R. was lodged on 31st August 2022 and the Applicant was apprehended on 31st August 2022. Investigation is complete and Charge-sheet has been filed on 10th November 2022. As per the Charge-sheet there are 15 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 Ms. Joshi, learned Counsel appearing for the Applicant that the incident in question occurred in a spur of the moment.

8. The Applicant is young man aged 24 years.

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

10. There are no criminal antecedents against the present Applicant.

11. Ms. Joshi, 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 District - Pune and that the Applicant will reside at Village Wanjarkheda, Taluka - Shirur Anantpal, District-Latur.

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

ORDER

(a) The Applicant - Krushna Baburao Sawant be released on bail in connection with C. R. No.1386 of 2022 registered with the Chakan 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 shall not enter the 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 Nittur Police Station, Taluka-Shirur Anantpal, District-Latur on every Sunday between 11.00 a.m. and 1.00 p.m. for a period of six months and thereafter once a month on first Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Nittur Police Station, Taluka-Shirur Anantpal, District-Latur 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 prosecution 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.

13. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]