

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

CRIMINAL BAIL APPLICATION NO. 2474 OF 2023

Ramchandra *alias* Deepak Sanjay Halwai ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Tanvi Tapkire, Advocate for the Applicant.
Mr. Sameer M. Mangaokar, APP for Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 7th March 2024**

P. C.

1. Heard Ms. Tapkire, learned Counsel appearing for the Applicant and Mr. Mangaonkar, 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.	382 ot 2022
2. Date of registration of F.I.R.	7 th December 2022
3. Name of Police Station	Miraj City, District Sangli.
4. Section/s invoked	302, 34 of <i>Indian Penal Code, 1860</i> .
5. Date of incident	6 th December 2022
6. Date of arrest	7 th December 2022
7. Date of filing Charge-sheet	4 th March 2023

3. As per the prosecution case, the Applicant (Accused No.2), Accused No.1 (Akshay Pisal) and deceased are friends. The incident in question took place on 6th December 2022. These three friends had consumed the liquor and thereafter some altercation took place and the Applicant and Accused No.1 assaulted the deceased with stones.

4. Ms. Tapkire, learned Counsel appearing for the Applicant submitted that the case is of circumstantial evidence. The motive is that the deceased verbally abused the Applicant and co-Accused and therefore altercation took place. She therefore submitted that the incident in question took place on the spur of the moment. She submitted that the material produced alongwith the Charge-sheet does not show the offence under Section 302 of the *Indian Penal Code, 1860*.

5. On the other hand, Mr. Mangaonkar, learned A.P.P. strongly opposed the Bail Application. He pointed out the F.I.R., panchanama of CCTV footage, extra-judicial confession and the statement of Chandrakant *alias* Santosh Maruti Kurane regarding extra-judicial confession.

6. Perusal of the record shows that the incident in question took place on 6th December 2022, F.I.R. was been registered on 7th December 2022, Applicant was arrested on 7th December 2022 and Charge-sheet was filed on 4th March 2023. Therefore, the

investigation is completed. Till date, there is no further progress in the trial and even the Charge is not framed.

7. Prima facie, there is substance in the contention of learned Counsel appearing for the Applicant that the incident took place on the spur of the moment. There are no antecedents. The trial is likely to take a considerably long time.

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

9. The Applicant does not have any criminal antecedents.

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

ORDER

(a) The Applicant- Ramchandra *alias* Deepak Sanjay Halwai be released on bail in connection with C. R. No.382 of 2022 registered with the Miraj City Police Station, District-Sangli on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent 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 Miraj City Police Station, District-Sangli on the Sunday of every week for a

period of one year and thereafter once in a month on first 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 prosecution 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 merits and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]