

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

BAIL APPLICATION NO.2555 OF 2023

Abhishek Maruti Shinde

...Applicant

Versus

State of Maharashtra & Anr.

...Respondents

Mr. Premkumar N. Mishra (Through V. C.) i/b Varuna Shankar Gade, for the Applicant.

Ms. Savita Yadav, APP, for the Respondent-State.

Mr. Maroti Madewad, P.S.I., Bhosari Police Station, District-Pune, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 20 MARCH 2024

P.C.:

1. Heard Mr. Mishra, learned Counsel for the Applicant and Ms. Yadav, 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.	654 of 2022
2	Date of registration of F.I.R.	15/08/2022
3	Name of Police Station	Bhosari, District-Pune
4	Section/s invoked	307, 302, 504, 506 r/w 34 of the <i>I.P.C., 1860</i>
5	Date of incident	15/08/2022
6	Date of arrest	15/08/2022
7	Date of filing Charge-sheet	27/03/2023

3. As per the prosecution case, on 15th August 2022 at about 02.00

p.m. the Accused were consuming liquor at 'Bailgada Sharyat Akhada', Opposite New Bhosari Hospital and the deceased told them not to drink at that place and therefore a verbal quarrel took place between the deceased, Applicant and a Juvenile. The said quarrel escalated and the Applicant caught hold of the hands of the deceased and the Juvenile stabbed the deceased on his chest with a knife. The deceased succumbed to the resultant injuries.

4. Learned Counsel for the Applicant submitted that the Applicant is a young man aged 19 years. The incident in question took place on the spur of the moment. There are no antecedents against the Applicant.

5. On the other hand, Ms. Yadav, learned APP strongly opposed the Bail Application. She submitted that the Applicant has a major role in the offence in question. She therefore submitted that the Bail Application may be rejected.

6. Perusal of the record shows that the Charge-sheet was filed on 27th March 2023. As per the Charge-sheet there are a total of 21 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

7. *Prima facie* there is substance in the contention that the incident in question took place on the spur of the moment.

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.

11. In view thereof, the following order:-

ORDER

- (a) The Applicant-Abhishek Maruti Shinde be released on bail in connection with C.R. No.654 of 2022 registered with the Bhosari Police Station, District-Pune on his furnishing PR. 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 Bhosari Police Station, District-Pune once in 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 observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]