

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2688 OF 2023

Suraj Satappa Patil

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Tanaji Mhatugade, Advocate, for the Applicant.

Mr. Pankaj Deokar, APP, for the Respondent – State.

Mr. Raghunath Dinkar Nalawade, ASI, Ispurli Police Station, Kolhapur
present

CORAM: MADHAV J. JAMDAR, J.

DATE : 04.03.2024

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1. Heard Mr. Mhatugade, learned Counsel appearing for the Applicant and Mr. Deokar, 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.	81 of 2021
2.	Date of registration of F.I.R.	09.10.2021
3.	Name of Police Station	Ispurli Police Station - Kolhapur
4.	Sections invoked	302 and 506 of the I.P.C., 1860
5.	Date of incident	08.10.2021
6.	Date of arrest	09.10.2021
7.	Date of filing of Charge-sheet	29.11.2021

3. As per the prosecution case, the Applicant is in the business of providing L.E.D. lights on rent. The deceased is a member of 'Shivshambho Tarun Mandal' and in the Navratri Utsav, same 'Shivshambho Tarun Mandal' gave a contract of L.E.D. lights to somebody else and not the Applicant. Therefore, some altercation took place between the Applicant and the deceased on 08.10.2021 at about 8.45 p.m. outside the office of 'Shivshambho Tarun Mandal'. In the said altercation, the Applicant assaulted the deceased with a knife and the deceased succumbed to the resultant injuries.

4. Mr. Mhatugade, learned Counsel appearing for the Applicant submitted that the incident took place on 08.10.2021. The Applicant was arrested on 09.10.2021. Investigation is complete and Charge-sheet has been filed. He submitted that the incident has taken place on the spur of the moment. He submitted that there are no antecedents.

5. On the other hand, Mr. Deokar, learned APP appearing for the Respondent – State vehemently opposed the Bail Application. He submitted that the Applicant has assaulted the deceased with a knife. Apart from this, he submitted that there is one antecedent, being F.I.R. No.45 of 2020 registered on 06.02.2020 with the Kagal Police Station, Kolhapur for the offence punishable under Section 354D of the *Indian*

Penal Code, 1860.

6. Mr. Mhatugade, learned Counsel appearing for the Applicant, after taking instructions states that in the said case, the Applicant has been released on bail.

7. The material on record shows that the incident in question has taken place on 08.10.2021. The Applicant was arrested on 09.10.2021. Investigation is complete and Charge-Sheet has been filed on 29.11.2021. As per the Charge-sheet, there are about 53 witnesses to be examined by the prosecution. Till date, the trial has not yet commenced.

8. The trial is likely to take a considerably long time.

9. The Applicant is a young man aged 23 years. Except the above referred antecedent, there are no other antecedents.

10. Mr. Mhatugade, 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 Taluka – Karveer, District - Kolhapur and that the Applicant will reside at the residence of Mr. Rangrao Shamrao Chavan, R/o. Vhanali, Taluka – Kagal, District – Kolhapur.

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

12. Accordingly, the Applicant can be enlarged on bail by imposing

conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant - Suraj Satappa Patil be released on bail in connection with C. R. No.81 of 2021 registered with the Ispurli Police Station, District – Kolhapur on his furnishing P R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Taluka – Karveer, district Kolhapur 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 Kagal Police Station, District - Kolhapur 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 Kagal Police Station, District – Kolhapur 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 witness 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, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]