



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2743 OF 2023

Nikhil alias Sonya Sudhakar Sutar ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Rahul B. Khot, Advocate, for the Applicant.
Ms. Savita Yadav, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 11th MARCH 2024

P. C.:-

1. Heard Mr. Khot, 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.	143 of 2020
2.	Date of registration of F.I.R.	12/07/2020
3.	Name of Police Station	Sangli Rural Police Station, District-Sangli
4.	Section/s invoked	302 r/w. 34 of the I.P.C., 1860
5.	Date of incident	11/07/2020
6.	Date of arrest	12/07/2020

7.	Date of filing of Charge-sheet	October 2020
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3. The deceased is the brother-in-law of the Applicant. As per the prosecution case, the deceased and the Applicant are from the same village and their houses are in the nearby locality. The deceased married the sister of the Applicant and the same was a love-marriage. The Applicant and his family members were against the said marriage. Therefore, the incident in question occurred. On 11th July 2020 at about 10.30 p.m., the incident occurred when there was some altercation between the Applicant and the deceased, and the Informant and others were trying to prevent the said altercation, when the Applicant assaulted the deceased with a knife. There are total 3 Accused. The Applicant is Accused No.1. The Accused No.2 is the uncle of the Applicant and Accused No.3 is the friend of the Applicant.

4. Mr. Khot, learned Counsel for the Applicant submitted that the Applicant is behind bars since 12th July 2020 and Charge-sheet is filed in October 2020. Till date there is no progress in the Trial. The Applicant is behind bars for 3 years and 8 months. He submitted that the Applicant is a young man aged 23 years. The

incident in question occurred as the Applicant and his family members were opposed to the relationship between the Applicant's sister and the deceased. He submitted that there are total 3 Accused, out of which 2 have been enlarged on bail.

5. On the other hand, Ms. Yadav, learned APP for the Respondent - State strongly opposed the Bail Application. She submitted that there are 3 eye-witnesses. There is recovery at the instance of the present Applicant and there is motive on part of the present Applicant. She further submitted that the Applicant has actually assaulted the deceased with a knife and therefore, the main role is attributed to the Applicant. She therefore, submitted that grant of bail to other Accused persons is not relevant to the present Bail Application.

6. Perusal of the record shows that the incident in question occurred on 12th July 2020, F.I.R. was lodged on 12th July 2020, the Applicant was arrested on 12th July 2020 and, Charge-sheet was filed in October 2020. There is no further progress in the trial. As per the Charge-sheet, there are 35 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. There are no criminal antecedents against the present Applicant.

8. Mr. Khot, 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 – Miraj, District – Sangli and that the Applicant will reside at Hatkanangale, Taluka - Hatkanangale, District – Kolhapur.

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 - Nikhil *alias* Sonya Sudhakar Sutar be

released on bail in connection with C. R. No.143 of 2020 registered with the Sangli Rural Police Station, Sangli 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 Miraj taluka, District-Sangli after being released on bail, except for reporting to the Investigating Officer, if called.
- (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 Hatkanangale Police Station, Taluka - Hatkanangale, 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 Hatkanangale Police Station, Taluka - Hatkanangale, 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.

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, and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]