

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

BAIL APPLICATION NO. 2919 OF 2023

Rahulkumar Shyamlal Rawat

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Akshay Bankapur, Advocate, for the Applicant.

Ms. Supriya Kak, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 12.03.2024

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1. Heard Mr. Bankapur, learned Counsel appearing for the Applicant and Ms. Kak, 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.	59 of 2021
2.	Date of registration of F.I.R.	23.03.2021
3.	Name of Police Station	Yeola Police Station, Nashik (Rural)
4.	Section/s invoked	302 of the I.P.C., 1860
5.	Date of incident	21.03.2021
6.	Date of arrest	23.03.2021
7.	Date of filing of Charge-sheet	11.06.2021

3. The deceased was the sibling of the present Applicant. As per the prosecution case, the deceased was a habitual alcoholic and under the influence of alcohol, he used to urinate in his trousers and the Applicant was fed up of his behaviour. Therefore, the Applicant strangled the deceased on 21.03.2021.

4. Mr. Bankapur, learned Counsel appearing for the Applicant submitted that the case is of circumstantial evidence. There is no material to connect the Applicant with the alleged offence. He further submitted that there are no antecedents. The Applicant is a young man aged 22 years. He submitted that in any case, the incident in question has taken place on the spur of the moment.

5. On the other hand, Ms. Kak, learned APP appearing for the Respondent – State vehemently opposed the Bail Application. She submitted that the deceased is the sibling of the Applicant and was residing together with other workers. There is a clear motive and also recovery of the rope used in the offence in question, at the instance of the present Applicant. Therefore, she submitted that bail may not be granted to the Applicant.

6. A perusal of the record shows that the incident in question has taken place on 21.03.2021. The Applicant was apprehended on 23.03.2021. The F.I.R. has been registered on 23.03.2021. The Charge-

sheet was filed on 11.06.2021. Till date, there is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, the prosecution intends to examine about 30 witnesses. The trial will take a considerably long time.

7. The Applicant has no antecedents.

8. *Prima facie*, there is substance in the contention of Mr. Bankapur, learned Counsel for the Applicant that the incident in question had taken place on the spur of the moment.

9. The Applicant is a young man of 22 years.

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

11. The Applicant does not have any criminal antecedents.

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

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

ORDER

(a) The Applicant – Rahulkumar Shyamlal Rawat be released on bail in connection with C.R. No.59 of 2021 registered with the Yeola Police Station, Nashik (Rural) on his furnishing P.R. Bond of Rs.10,000/- with one or two sureties in the like amount.

(b) The Applicant is permitted to furnish cash bail surety

in the sum of Rs.10,000/- for a period of three weeks in lieu of surety.

(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 Yeola Police Station, Nashik (Rural) on the first Sunday of every week between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(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.

14. The Bail Application is disposed of accordingly.

15. 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.]