

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

BAIL APPLICATION NO.2934 OF 2023

Raviraj *alias* Kiran
alias Soniya Shirsagar

.Applicant

Versus

The State of Maharashtra

.Respondent

Ms. Sharvari Joshi a/w Mr. Mithilesh Mishra, for the Applicant.
Ms. Veera Shinde, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.
DATE: 12.03.2024

P. C.

1. Heard Ms. Joshi along with Mr. Mishra, learned Counsel appearing for the Applicant and Ms. Shinde, 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.	118 of 2021
2.	Date of registration of F.I.R.	27.02.2021
3.	Name of Police Station	Chaturshringi Police Station, Pune
4.	Section/s invoked	201 and 302 of the I.P.C., 1860
5.	Date of incident	27.02.2021
6.	Date of arrest	01.03.2021
7.	Date of filing of Charge-sheet	22.05.2021

3. As per the prosecution case, the Applicant and the deceased were in a physical relationship for a few months. Thereafter a dispute arose and then the deceased had declined to maintain physical relations with the Applicant. Therefore, the Applicant murdered the deceased by assaulting the deceased with a knife.

4. Ms. Joshi, learned Counsel appearing for the Applicant submitted that the Applicant was apprehended on 01.03.2021 and till date, there is no further progress in the trial. She submitted that the case is of circumstantial evidence. She submitted that there are no antecedents. Therefore, the Applicant be released on bail.

5. On the other hand, Ms. Kak, learned APP appearing for the Respondent – State vehemently opposed the Bail Application. She submitted that there was a strong motive for committing the crime. There are eye-witnesses who have identified the Applicant. There is recovery of a blood-stained knife at the instance of the Applicant. The present Applicant was in a romantic and physical relationship with the deceased. There is a strong motive. She submitted that as per the C.D.R. details, the Applicant was last seen together with the deceased as well as that there is a statement of one Mr. Sushant Jayram Nale (Page No.423). She pointed out the affidavit-in-reply filed by

Mr. Ankush Bhalchandra Chintaman, Police Inspector (Crime) attached to the Chaturshringi Police Station, Pune City and submitted that Bail Application be rejected.

6. A perusal of the record shows that the incident in question has taken place on 27.02.2021. The Applicant was apprehended on 01.03.2021. Charge-sheet was filed on 22.05.2021. There is no further progress in the trial. As per the Charge-sheet, there are 47 witnesses proposed to be examined. The trial will take a considerably long time. The Applicant is incarcerated since more than three years.

7. Although the case is of circumstantial evidence, there is substance in the contention of Ms. Shinde, learned APP appearing for the Respondent – State that the circumstances are very strong. However, it is to be seen that the Applicant is incarcerated since more than three years. There is no further progress in the trial. The motive of the crime was that the Applicant was in a romantic and physical relationship with the deceased. However, the deceased refused to continue with said relationship. *Prima facie*, there is substance in the contention of learned Counsel for the Applicant that the incident in question has taken place on the spur of the moment. There are no antecedents.

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

9. The Applicant does not have any criminal antecedents.
10. The Applicant does not appear to be at risk of flight.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant - Raviraj *alias* Kiran *alias* Soniya Shirsagar be released on bail in connection with C.R. No.118 of 2021 registered with the Chaturshringi Police Station, Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish details of 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 Chaturshringi Police Station, Pune on the first Sunday once a month 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.]