

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

BAIL APPLICATION NO.2946 OF 2023

Amol Pratap Thorat

.Applicant

Versus

The State of Maharashtra

.Respondent

Ms. Shubhangi Parulekar, Advocate, for the Applicant.

Mr. S. S. Chaudhari, APP, for the Respondent – State.

Mr. R. B. Bhandare, P.S.I., Dehu Road PS, Pimpri-Chinchwad, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 12.03.2024

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1. Heard Ms. Parulekar, learned Counsel appearing for the Applicant and Mr. Chaudhari, 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.	176 of 2022
2.	Date of registration of F.I.R.	28.03.2022
3.	Name of Police Station	Dehu Road – Pimpri Chinchwad
4.	Section/s invoked	307, 504 & 506 of the I.P.C., 1860
5.	Date of incident	28.03.2022
6.	Date of arrest	30.03.2022
7.	Date of filing of Charge-sheet	16.06.2022

3. The Applicant is the husband of the injured – Rutu Thorat. As per the prosecution case, there used to be frequent quarrels between the Applicant and the injured. Therefore, the injured moved to the house of her parents. To sort out the dispute between the Applicant and the injured, a meeting was called at the house of parents of the injured and in the said meeting, suddenly, the Applicant went into the kitchen and assaulted the injured with a knife.

4. Ms. Parulekar, learned Counsel appearing for the Applicant submitted that the incident in question occurred in a sudden quarrel. The Applicant was apprehended on 30.03.2022. Till date, there is no progress in the trial. She further submitted that except for one N.C. registered on 21.03.2022 by the injured against the Applicant, there are no other antecedents.

5. On the other hand, Mr. Chaudhari, learned APP appearing for the Respondent vehemently opposed the Bail Application. He submitted that there are in all five eye-witnesses. He pointed out the statements from page Nos.78 to 86. He pointed out the injuries sustained by the injured and submitted that there are in all ten injuries. Out of them, three are grievous in nature. Mr. Chaudhari, learned APP appearing for the Respondent – State submitted that there is a recovery of blood-stained clothes at the instance of the Applicant. He, therefore,

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 28.03.2022. F.I.R. was lodged on 28.03.2022. The Applicant was apprehended on 30.03.2022. Charge-sheet was filed on 16.06.2022. Till date, there is no progress in the trial and even charge is also not framed yet. As per the charge-sheet, there are about 18 witnesses to be examined by the prosecution. There are no antecedents. The trial will take considerable time.

7. Although there is substance in the contention of Mr. Chaudhari that the Applicant had mercilessly assaulted the injured and that there are five eye-witnesses, however, prima facie, the incident in question has taken place on the spur of the moment and that there is no premeditation. In fact, the Applicant went to the house of the parents of the injured i.e. his wife, along with one of his relative, for settling the dispute between the Applicant and the injured i.e. his wife, and the incident has taken place on the spur of the moment.

8. Ms. Parulekar, learned Counsel appearing for the Applicant after taking instructions submitted that as the injured is a resident of Pune and most of the witnesses are residents of Pune, the Applicant will not reside at Pune and that the Applicant will reside at the residence of Ms. Kajal Pratap Thorat, R/o. At Post – Kaudgaon, Taluka & District – Osmanabad.

9. The trial is likely to take a considerably long time.
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 - Amol Pratap Thorat be released on bail in connection with C.R. No.176 of 2022 registered with the Dehu Road Police Station, Pimpri Chinchwad, Pune 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 District – Pune 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 Osmanabad Tehsil Police Station, Osmanabad once a week, on every Sunday between 11.00 a.m. and 1.00 p.m. for a period of one year and thereafter, once a month on the first Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of

Osmanabad Tehsil Police Station, Osmanabad 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, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]