

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

CRIMINAL BAIL APPLICATION NO. 3018 OF 2023

Shubham Bhagwan Puyad

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Shubhangi Parulekar, Advocate, for the Applicant.

Ms. S.S. Kaushik, APP, for Respondent- State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 12th March 2024

P. C.

1. Heard Ms. Parulekar, learned Counsel for the Applicant and Ms. Kaushik, 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.	440 of 2021
2.	Date of registration of F.I.R.	8th October 2021
3.	Name of Police Station	Sinhgad Road, Pune
4.	Section/s invoked	302, 201 of <i>I.P.C., 1860</i> ;
5.	Date of incident	7th October 2021
6.	Date of arrest	10th October 2021
7.	Date of filing Charge-sheet	31st December 2021

3. As per the prosecution case, the Applicant and deceased both met each other in a liquor shop. The deceased had consumed liquor and he was abusing the Applicant and he started assaulting the Applicant and therefore in retaliation, the Applicant assaulted the deceased with fist blows and a liquor bottle.

4. Ms. Parulekar, learned Counsel appearing for the Applicant submitted that the case is of circumstantial evidence and except extra-judicial confession, there is no other evidence against the Applicant. She submitted that there are no antecedents. She further submitted that the Applicant was arrested on 10th October 2021 and although the Applicant is in the custody since 2 years and 5 months, there is no progress in the trial and even the Charge is also not framed.

5. On the other hand, Ms. Kaushik, learned APP vehemently opposed the Bail Application. Ms. Kaushik pointed out the statements of witnesses- Anurag Gyansing Yadav (page-82) and Datta Purushottam Pacharane (page-84) and submitted that there is extra-judicial confession of the Applicant. Apart from that, she submitted that there is recovery of blood stained clothes.

6. Perusal of the record shows that the incident in question took place on 7th October 2021, the F.I.R. has been registered on 8th

October 2021, the Applicant was arrested on 10th October 2021 and the Charge-sheet is filed on 31st December 2021 and till date, there is no progress in the trial and even the Charge is also not framed.

7. *Prima facie*, there is substance in the contention of the learned counsel for the Applicant that except extra judicial confession and the recovery of blood stained clothes, there is no other evidence. The case is of circumstantial evidence. *Prima facie*, the incident has occurred on the spur of the moment. As per the contention of the learned Counsel for the Applicant, there are no antecedents. The trial is likely to take a considerably long time.

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

9. The Applicant does not have any criminal antecedents as per the statement of learned Counsel for the Applicant.

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

11. In view thereof, the following order:-

ORDER

(a) The Applicant - Shubham Bhagwan Puyad be released on bail in connection with C. R. No.440 of 2021 registered with the Sinhgad Road Police Station, District - Pune on his furnishing P. R. Bond of Rs.10,000/- with one

or two sureties in the like amount.

(b) 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.

(c) The Applicant shall report to the Sinhgad Road Police Station, District - Pune on the Sunday of every week between 11.00 a.m. and 1.00 p.m. for one year and thereafter on first Sunday in every 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 prosecution 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.

BHALCHANDRA
GOPAL
DUSANE

[MADHAV J. JAMDAR, J.]

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2024.03.12
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