

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

BAIL APPLICATION NO. 3182 OF 2023

Vikas Sadashiv Bhosale

.Applicant

Versus

The State of Maharashtra

.Respondent

Ms. Kanishka Hasabnis, Advocate, for the Applicant.

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

Mr. C. C. Thorbole, A.P.I.-Lonikand Police Station, Pune City, present.

CORAM : MADHAV J. JAMDAR, J.

DATE : 08.03.2024

P. C.

1. Heard Ms. Hasabnis, 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* ("CrPC"). The relevant details are as follows:-

1.	C. R. No.	417 of 2022
2.	Date of registration of F.I.R.	11.08.2022
3.	Name of Police Station	Lonikand Police Station, Pune
4.	Sections invoked	302, 323, 324, 504 r/w. 34 of the I.P.C., 1860
5.	Date of incident	10.08.2022
6.	Date of arrest	13.08.2022
7.	Date of filing of Charge-sheet	09.11.2022

3. As per the prosecution case, the deceased and the accused were friends. The deceased had invited the present Applicant and other Accused persons for a dinner and some altercation took place amongst the Applicant, two accused, and the deceased on the ground that the wife of the deceased had not cooked mutton for the dinner. As per the prosecution case, the Accused have assaulted the deceased with a stone and the deceased has succumbed to the resultant injuries.

4. Ms. Hasabnis, learned Counsel appearing for the Applicant submitted that the Applicant is not a habitual offender. The incident has taken place on the spur of the moment. The Applicant is a married man aged 40 years and has five children and a wife and that the Applicant is the only earning member of the family. She submitted that the Applicant is languishing in jail since one year and six months and there is no further progress in the trial.

5. On the other hand, Mr. Chaudhari, learned APP appearing for the Respondent – State vehemently opposed the Bail Application. He pointed out the statements of witnesses including that of a child witness before whom the incident has taken place. He submitted that there is a recovery of stone and blood-stained clothes at the instance of the Applicant. He also pointed out the Section 164 of the CrPC

statement of the wife of the deceased and also that of the child.

6. A perusal of the record shows that the incident had taken place on 10.08.2022. The Applicant was apprehended on 13.08.2022. Charge-sheet has been filed on 09.11.2022. Till date, there is no progress in the trial. Even charge is also not framed yet. As per the Charge-sheet, the prosecution intends to examine 15 witnesses. The trial is likely to take a considerably long time.

7. *Prima facie*, there is substance in the contention of the learned Counsel appearing for the Applicant that the incident in question has taken place on the spur of the moment.

8. The Applicant does not have any criminal antecedents.

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

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

ORDER

(a) The Applicant - Vikas Sadashiv Bhosale be released on bail in connection with C. R. No.417 of 2022 registered with the Lonikand Police Station, District - Pune on 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 Lonikand Police Station, District - Pune once in two months, on first Sunday of every two months at 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.

11. The Bail Application is disposed of accordingly.

12. 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.]