

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

CRIMINAL BAIL APPLICATION NO. 3196 OF 2023

Arjun Swami Kale

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Sana Raees Khan a/w Mr. Aditya Parmar, Mr. Abhijit Singh,
Advocates, for the Applicant.

Mr. Prasanna P. Malshe, APP, for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 13th March 2024

P. C.

1. Heard Ms. Khan, learned Counsel for the Applicant and Mr. Malshe, 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.	601 of 2022
2.	Date of registration of F.I.R.	3rd December 2022
3.	Name of Police Station	Daund, Pune Rural, District-Pune
4.	Section/s invoked	302 of <i>I.P.C., 1860</i> ;
5.	Date of incident	3rd December 2022
6.	Date of arrest	3rd December 2022
7.	Date of filing Charge-sheet	23rd February 2023

3. As per the prosecution case the deceased used to harass the Applicant's wife and therefore the Applicant has assaulted the deceased with sickle.

4. Ms. Khan, learned Counsel for the Applicant submitted that the incident in question took place on 3rd December 2022, the Applicant has been arrested on the same day and the Charge-sheet is filed on 23rd February 2023 and till date, there is no progress in the trial. She submitted that the Applicant is a young man aged 24 years with no criminal antecedents. She submitted that the statement of eye-witness, Vishwajeet Dipak Chitare was recorded on 8th December 2022 i.e. after a period of 5 days from the date of the incident and that the recovery of sickle is from the open place outside the Police Station.

5. On the other hand, Mr. Malshe, learned APP vehemently opposed the Bail Application and submitted that there is an eye-witness to the incident. There is recovery of sickle and therefore the Bail Application be rejected. However, after taking instructions, he submitted that there are no antecedents.

6. Perusal of record shows that the incident in question took place on 3rd December 2022, F.I.R. was lodged on the same day and the Applicant is arrested on 3rd December 2022. Although the Charge-sheet was filed on 23rd February 2023, there is no further progress in the trial. As per the Charge-sheet, 23 witnesses are proposed to be

examined by the prosecution. Accordingly, the trial is likely to take a considerably long time.

7. *Prima facie*, there is substance in the contention of Ms. Khan, learned Counsel for the Applicant that the statement of eye-witness was recorded after a period of 5 days of the incident and of arrest of the Accused and that the recovery is from the open space.

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

9. The Applicant does not have any criminal antecedents.

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

11. In view thereof, the following order:-

ORDER

(a) The Applicant - Arjun Swami Kale be released on bail in connection with C. R. No.601 of 2022 registered with the Daund Police Station, Pune-Rural, District - 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 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 Daund Police Station, Pune-Rural, District - Pune on the first Sunday of 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.]