

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

BAIL APPLICATION NO.3219 OF 2023

Sourabh Pramod Sarnaik

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Aditya S. Raktade a/w. Mr. Santosh R. Mane, Mr. Anup A. Kamble, Mr. Sagar Y. Redkar & Mr. Sumit Vhanbhatte, Advocates for the Applicant.

Mr. P. H. Gaikwad, APP, for the Respondent – State.

Mr. Vitthal Navnath Jadhav, P.S.I.-Laxmipuri Police Station, present.

CORAM : MADHAV J. JAMDAR, J.

DATE : 07.03.2024

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1. Heard Mr. Raktade, learned Counsel for the Applicant and Mr. Gaikwad, 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.	271 of 2022
2.	Date of registration of F.I.R.	27.09.2022
3.	Name of Police Station	Laxmipuri Police Station
4.	Sections invoked	302, 307 of the I.P.C., 1860
5.	Date of incident	24.09.2022
6.	Date of arrest	28.09.2022
7.	Date of filing of Charge-sheet	19.12.2022

3. As per the prosecution case, when the deceased was returning from his job on a motorcycle, he heard some noise and he halted. He saw that his friend – deceased was being beaten by two accused persons by fist and kick blows. It appears that the incident in question occurred due to a sudden quarrel. As per the prosecution case, the Applicant assaulted the deceased with fist and kick blows as well as with a stone.

4. Mr. Raktade, learned Counsel appearing for the Applicant submitted that the incident in question occurred on 24.09.2022 and initially it was lodged as a motor accident case. The Medical Papers shows that it is recorded that the deceased had fallen under the influence of alcohol. The deceased was admitted to 'Hira Nursing Home' and thereafter was transferred to C.P.R. Hospital immediately. The Applicant was apprehended on 27.09.2022. He submitted that the deceased died on 08.10.2022. Thereafter, Section 302 of the *Indian Penal Code, 1860* was added. He submitted supplementary statements of the witnesses are recorded after a period of 20 days after the incident. He submitted that Charge-sheet was filed on 19.12.2022. There is no further progress in the trial. He submitted that no weapon has been used in the incident in question.

5. *Prima facie*, the incident in question occurred on 24.09.2022.

The deceased died on 08.10.2022.

6. As per the Charge-sheet, the prosecution proposes to examine 27 witnesses. The trial is likely to take a considerably long time.

7. Mr. Raktade, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within District – Kolhapur and will reside at the residence of Mr. Shubham Vikas Khamkar, R/o. Khotvadi, Taluka – Miraj, District – Sangli.

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

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

ORDER

(a) The Applicant - Sourabh Pramod Sarnaik be released on bail in connection with C. R. No.271 of 2022 registered with the Laxmipuri Police Station, District – Kolhapur 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 Kolhapur district 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 Sangli Police Station, (Rural) District – Sangli once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Sangli Police Station (Rural), District – Sangli 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.

10. The Bail Application is disposed of accordingly.

11. 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.]