

Shailaja

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

**CRIMINAL BAIL APPLICATION NO.3677 OF 2022**

|                                 |   |                   |
|---------------------------------|---|-------------------|
| <b>Arjun Ramlakhan Yadav</b>    | ] | <b>Applicant</b>  |
| <b>Vs.</b>                      |   |                   |
| <b>The State of Maharashtra</b> | ] | <b>Respondent</b> |

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Ms. Sana Raees Khan a/w Mr. Aditya Parmar and Mr. Abhijeet Singh, for Applicant.

Mr. A. A. Palkar, A.P.P, for Respondent – State.

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**CORAM : PRITHVIRAJ K. CHAVAN, J.**

**DATE : 7<sup>th</sup> March, 2024.**

**P.C.**

1. This is an application for bail by a 23 years old applicant who, in a drunken spree, alongwith his friends, caused death of deceased Shivam Yadav by inflicting a single blow of knife in his chest.

2. The incident in question had occurred on 7<sup>th</sup> April, 2022. First informant- Pushpendrasingh Balaramsingh Parihar along with Dharmendrasingh Harisingh Sisodia, Saurabh Rajendra Yadav, deceased Shivam Yadav and the applicant were hobnobbing. It appears that a party was hosted by the applicant on insistence of his

friend Dharmendrasingh in view of settlement of his marriage which has to be solemnized in near future. It appears that it was a wet party and all of them consumed liquor. There was exchange of hot words and abuses. What appears to have enraged the applicant was the word “भोसडी के” alleged to have been uttered by the deceased. Dharmendrasingh had apprised others about those words uttered by the deceased *qua* the applicant. All of them had been to the room of the applicant. Partners of the applicant viz: Sandipkumar Gangasagar Yadav and Birendrakumar Ramkhilavan Pal pacified the quarrel. However, when all of them were proceeding, it is alleged that the applicant suddenly came over there and stabbed deceased in his chest by means of a knife.

3. An First Information Report bearing No.0509 came to be lodged on 8<sup>th</sup> April, 2022 with Chakan Police Station for the offence punishable under section 302 of the Indian Penal Code. Investigating Officer held investigation into the crime. He visited the scene of occurrence, drew spot *panchanama* and sent the body for autopsy to Rural Hospital Chakan. Autopsy report reveals cause of death of the deceased as “Haemorrhagic shock due to penetrating heart injury”. After the investigation, a charge-sheet was filed in the Court.

4. I heard Ms. Khan, learned Counsel appearing for the applicant and Mr. Palkar, the learned A.P.P.

5. At the outset, learned Counsel for the applicant would argue that this is a case of grave and sudden provocation since it was not a premeditated murder. Friends were sitting together in a party and after consuming liquor, during exchange of hot words and abuses, the applicant alleged to have stabbed the deceased which, according to the learned Counsel, would not fall within the definition of “murder” but would attract Section 304 Part II of the I.P.C which is a culpable homicide not amounting to murder. Section 304 of the I.P.C provides maximum punishment of ten years. The applicant has been languished in jail for two years. The Counsel would argue that the charge has not yet been framed and there is no possibility of commencing the trial in near future.

6. Mr. Palkar, on the other hand, pointed out that nature of the weapon used and part of the body chosen by the applicant to eliminate the deceased itself shows that he had full knowledge. However, Mr. Palkar admits that there seems to be no intention to kill the deceased.

7. In their statements under Section 164 of the Cr. P.C Dharmendrasingh Harisingh Sisodia, Saurabh Rajendra Yadav and Purshpendrasingh Parihar substantiated the fact that it was a not a premeditated murder of the deceased by the applicant. *Sans* merits and demerits of the case, *prima facie*, it appears to be a culpable homicide not amounting to murder and, therefore, looking to the young age of the applicant as well as the fact that he had no criminal antecedents to his discredit and also the fact that the trial will not be concluded in near future, no purpose would be served in continuing his pretrial detention behind the bars.

8. As such, applicant deserves to be released on bail. It is made clear that the observations made hereinabove are, *prima facie*, for a limited purpose of considering the application for bail. These observations shall not be construed as an expression of opinion on the merits of the case.

9. As such, having taken into consideration the aforesaid facts, following order is expedient;

**: ORDER :**

- (a) Application is allowed.
- (b) The Applicant be released on bail on executing a P.R bond in the sum of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court in connection with C.R. No.509 of 2022 registered with Chakan Police Station for the offence punishable under section 302 of the I.P.C.
- (c) Till framing the charge, the applicant shall attend Chakan Police Station on every Saturday between 10.a.m and 12.00 p.m
- (d) The applicant shall surrender his passport, if any, before the Investigating Officer.
- (e) The applicant shall not tamper with the evidence or attempt to influence or contact any of the witnesses or persons concerned with this case.

(f) The applicant shall furnish his residential address and contact details forthwith to the Investigating Officer and the trial Court. The applicant shall inform any change in his residential address and contact details to the Investigating Officer and the trial Court.

(g) The applicant shall attend the trial Court scrupulously.

(h) In case of breach of any of the aforesaid conditions by the applicant, liberty to the prosecution to seek cancellation of his bail.

10. The application stands disposed of in the aforesaid terms.

**[PRITHVIRAJ K. CHAVAN, J.]**