

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

BAIL APPLICATION NO. 3480 OF 2023

Kajal *alias* Keshav Umaji Chavan

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Aniket Nikam i/b. Mr. Amit Icham, Advocate, for the Applicant.
Ms. Supriya Kak, APP, for the Respondent – State.
Mr. S. V. Chavan, PSI, Yavat Police Station, Pune (Rural), present.

CORAM : MADHAV J. JAMDAR, J.

DATE : 07.03.2024

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1. Heard Mr. Nikam , learned Counsel for the Applicant and Ms. Kak, 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.	1005 of 2021
2.	Date of registration of F.I.R.	22.11.2021
3.	Name of Police Station	Yavat Police Station, Pune
4.	Section invoked	302 of the I.P.C., 1860
5.	Date of incident	19.11.2021
6.	Date of arrest	22.11.2021
7.	Date of filing of Charge-sheet	18.02.2022

3. As per the prosecution case, the Applicant and the deceased were

residing together. They are transgenders. They were earning a livelihood. There used to be frequent quarrels between the Applicant and the deceased regarding their customers. On the date of the incident i.e. on 19.11.2021, a quarrel took place between the Applicant and the deceased during which the Applicant assaulted the deceased with a stone.

4. It is the contention of Mr. Nikam, learned Counsel appearing for the Applicant that there is no eye-witness to the incident in question. The case is of circumstantial evidence. The Applicant was arrested on 22.11.2021. Till date, there is no progress in the trial.

5. On the other hand, Ms. Kak, learned APP for the Respondent – State submitted that although the case is of circumstantial evidence, the circumstances are very strong. The Applicant and the deceased were last seen together. There is recovery of a stone and clothes at the instance of the Applicant. She pointed out the statement of witness from page nos.38 to 46.

6. A perusal of the record shows that the incident has occurred on 19.11.2021. F.I.R. was lodged on 22.11.2021. The Applicant was apprehended on 22.11.2021. Charge-sheet was filed on 18.02.2022. Till date, there is no progress in the trial and even charge is also not framed. There are no antecedents.

7. The trial is likely to take a considerably long time.
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 - Kajal *alias* Keshav Umaji Chavan be released on bail in connection with C. R. No.1005 of 2021 registered with the Yavat Police Station, District - Pune on their furnishing P. R. Bond of Rs.10,000/- with one or two solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish their 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 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.

(d) The Applicant shall not tamper with the prosecution

evidence and shall not contact or influence the Complainant or any witness in any manner.

(e) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(f) The Applicant shall surrender their 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.]