

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

BAIL APPLICATION NO.3472 OF 2023

Vinayak Sarjerao Kamble

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Ganesh Gupta (through VC) a/w. Mr. Ravindra Kamble & Mr. Sahil Ghorpade i/b. GG Legal Associates, for the Applicant.
Mr. Shriram S. Chaudhari, APP, for the Respondent – State.
Mr. Suhas Khade, PSI-Bhosari Police Station, Pimpri-Chinchwad, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 28.03.2024

P. C.

1. Heard Mr. Gupta, learned Counsel for the Applicant and Mr. Chaudhari, 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.	332 of 2023
2. Date of registration of F.I.R.	11.04.2023
3. Name of Police Station	Bhosari, Pimpri-Chinchwad
4. Section invoked	307 of the I.P.C., 1860
5. Date of incident	10.04.2023
6. Date of arrest	11.04.2023
7. Date of filing of Charge-sheet	06.05.2023

3. As per the prosecution case, both the Applicant and the injured were well acquainted with each other and were in a relationship. On

10.04.2023, the Applicant was continuously calling the injured. At about 7.15 p.m., the Applicant met the injured near the corner of 'Chatrapati Shivaji Maharaj School', Bhosari, Pune. As the Applicant and the injured were in a relationship, the Applicant threatened the injured about the photographs of the injured with her other friends. Therefore, some altercation took place between them. At that time, the Applicant assaulted the injured on her neck with a sharp weapon and he then fled the spot.

4. It is the submission of Mr. Gupta, learned Counsel for the Applicant that the incident in question occurred during the altercation with the injured and has occurred on the spur of the moment. He submitted that there was no intention to commit the offence in question. There are no antecedents.

5. On the other hand, Mr. Chaudhari, learned APP for the Respondent-State vehemently opposed the Bail Application. He submitted that the Applicant has used a sharp weapon and assaulted on a vital part of the Complainant's body. Therefore, he submitted that Bail may not be granted to the Applicant. Learned APP, on instructions, submitted that there are no antecedents.

6. A perusal of the record shows that the incident in question occurred on 10.04.2023. F.I.R. was lodged on 11.04.2023. The Applicant was apprehended on 11.04.2023. Charge-sheet has been filed on 06.05.2023. As per the Charge-sheet, the prosecution intends to examine 18 witnesses. The trial is likely to take a considerably long

time.

7. *Prima facie*, there is substance in the contention advanced by learned Counsel for the Applicant that the incident in question has occurred suddenly.

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.

11. In view thereof, the following order:-

ORDER

(a) The Applicant - Vinayak Sarjerao Kamble be released on bail in connection with C. R. No. 332 of 2023 registered with the Bhosari Police Station, District- Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent 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 Bhosari Police Station, District – Pune once a week on every Sunday 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 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.

[MADHAV J. JAMDAR, J.]