

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

CRIMINAL BAIL APPLICATION NO. 3684 OF 2023

Kumar Tippa Reddy

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Gaurav Parkar, Advocate for the Applicant.

Mr. P.H. Gaikwad, APP for Respondent-State.

A.P.I., Sushma Patil, Panvel Police Station, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 26th February 2024

P. C.

1. Heard Mr. Parkar, learned Counsel appearing for the Applicant and Mr. Gaikwad, learned APP appearing 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.	550 of 2021
2.	Date of registration of F.I.R.	2nd October 2021
3.	Name of Police Station	Panvel City, District-Raigad
4.	Section/s invoked	302 of <i>Indian Penal Code, 1860</i> .
5.	Date of incident	2nd October 2021
6.	Date of arrest	2nd October 2021
7.	Date of filing of Charge-sheet	30th December 2021

3. As per the prosecution case, the Applicant and deceased were in the habit of consuming narcotics. The deceased was asking the Applicant for the narcotic substance which the Applicant used to sell, however, the Applicant refused to provide the said narcotic substance to the deceased and therefore the dispute arose. In view of said dispute, on 2nd October 2021, some altercations occurred between them and the Applicant and the deceased got into a fist fight. At that time, the deceased assaulted the Applicant with a blade on his neck and the Applicant assaulted the deceased with an ice-pick. Thereafter again the Applicant assaulted the deceased and the deceased succumbed to the resultant injuries.

4. Mr. Parkar, learned Counsel appearing for the Applicant submitted that the incident in question has occurred in a spur of the moment and the motive is that as the deceased wanted the narcotic substance and the Applicant refused to give the same, the incident had occurred and therefore the Applicant be granted bail.

5. Learned APP strongly opposed the Bail Application. He submitted that there are eye-witnesses to the incident. He pointed out the statement of one Manisha Narsappa Parbalkar (page-33) and one Poonam Sunil Chavan (page-34) and submitted that the Bail Application be rejected. The learned

APP submitted that there are three antecedents.

6. As far as the contention of learned APP that there are three antecedents, the same are of the years 2002, 2006 and 2012, the details of the same are as under:-

(a) Panvel City Police Station C.R. No.117 of 2002 for the offence under Sections 457 and 380 of *Indian Penal Code, 1860*;

(b) Panvel City Police Station C.R. No.127 of 2006 for the offence under Sections 326, 324 and 504 of *Indian Penal Code, 1860*;

(c) Panvel City Police Station C.R. No.189 of 2012 for the offence under Sections 324, 323 and 427 of *Indian Penal Code, 1860*.

Therefore, the antecedents are very old. The last antecedent is of the year 2012. The incident in question has taken place on 2nd October 2021.

7. Perusal of the record shows that the incident in question took place on 2nd October 2021 and the Charge-sheet has been filed on 30th December 2021. Trial has not commenced yet. There is no further progress and even the Charge is also not framed yet. As per the Charge-sheet, 30 witnesses are proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

8. Mr. Parkar, 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 Panvel taluka including Panvel City, and that the Applicant will reside at Khopoli, Taluka-Khalapur, District-Raigad.

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 - Kumar Tippa Reddy be released on bail in connection with C. R. No.550 of 2021 registered with the Panvel City Police Station, District - Raigad on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter the Panvel taluka including Panvel City, District - Raigad 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 Khopoli Police Station, Taluka - Khalapur, District - Raigad on every Sunday of every month between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Khopoli Police Station, Taluka - Khalapur, District - Raigad 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.

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 own merits,
uninfluenced by the observations made in this Order.

BHALCHANDRA
GOPAL DUSANE

[MADHAV J. JAMDAR, J.]

Digitally signed by
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