

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

BAIL APPLICATION NO. 3821 OF 2023

Aniket *alias* Guddu
Balasaheb Pathervat

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Aniket Vagal a/w. Mr. Kunal N. Pednekar & Mr. Divesh Mehani, Advocates for the Applicant.

Ms. Veera Shinde, APP for the Respondent – State.

Mr. Mithun Pardeshi, API, Panchvati Police Station, Nashik, present

CORAM: MADHAV J. JAMDAR, J.

DATE: 05.02.2024

P. C.

1. Heard Mr. Vagal, learned Counsel appearing for the Applicant and Ms. Shinde, 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.	271 of 2023
2.	Date of Registration of F.I.R.	07.06.2023
3.	Name of Police Station	Panchvati Police Station, Nashik
4.	Sections invoked	302, 325, 324, 504 r/w 34 of the IPC, 1860
5.	Date of incident	06.06.2023

6.	Date of arrest	11.06.2023
7.	Date of filing Charge-sheet	03.09.2023

3. As per the prosecution case, the informant along with his friend i.e. the deceased, arrived at Sita Gumpha, Panchvati, Nashik on 06.06.2023 at 12.30 p.m.. At that time, a sudden quarrel broke out amongst the Applicant, the deceased and the informant, because the Applicant was under the impression that the deceased had deliberately pushed him.

4. The quarrel started on a busy road and as the accused threatened the deceased and the informant, they fled into an adjacent lane where the Applicant along with the co-accused assaulted the deceased with an iron rod and a wooden stick.

5. It is the contention of Mr. Vagal, learned Counsel appearing for the Applicant that the Applicant is a young man aged 21 years and that he is in custody for more than seven months. He submitted that the incident in question occurred in a spur of the moment and due to a sudden quarrel.

6. On the other hand, Ms. Shinde, learned APP appearing for the Respondent – State submitted that there are eye-witnesses to the incident in question. The Applicant had used a wooden stick and an iron rod to assault the deceased. Therefore, bail may not be granted to the Applicant.

7. A perusal of the Charge-sheet and statements annexed to the Charge-sheet show that *prima facie* there is substance in the submission advanced by learned Counsel appearing for the Applicant that the incident in question has taken place in a spur of the moment and due to a sudden quarrel.

8. The incident in question has taken place on 06.06.2023. F.I.R. has been registered on 07.06.2023. The Applicant has been arrested on 11.06.2023. Charge-sheet has been filed on 03.09.2023. As per the Charge-sheet, there are about 32 witnesses to be examined by the prosecution. The trial is likely to take a considerably long time.

9. There is one antecedent in connection with C.R. No.478 of 2020 for the offence punishable under Section 135 of the *Maharashtra Police Act, 1951* registered with the Panchvati Police Station, Nashik for contravening order of preventing assembly of more than five persons. The maximum punishment is one year.

10. Mr. Vagal, 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 in Nashik City and that the Applicant will reside at C/o. Painter Baburao Dukre, Dukre Nivas, Chavan Pura, Near Navsha

Ganpati, Rangar Galli, Taluka – Sangamner, District - Nashik.

11. The Applicant does not appear to be at risk of flight.
12. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant - Aniket *alias* Guddu Balasaheb Pathervat be released on bail in connection with C.R. No.271 of 2023 registered with the Panchvati Police Station, District – Nashik 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 Nashik City 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 Sangamner Police Station, District – Nashik once in a week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Sangamner Police Station, District – Nashik 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 evidence and shall not contact or influence the Complainant or any witnesses 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.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie* and the trial Court shall decide the case on its merits and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]