

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

CRIMINAL BAIL APPLICATION NO. 4131 OF 2023

Vishal Manik Jagtap

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Vivek Babar, a/w Mr. Kamlesh Y. Mali Advocates, for the Applicant.
Mr. P.P. Deokar, APP, for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 8th April 2024

P. C.

1. Heard Mr. Babar, learned Counsel for the Applicant and Mr. Deokar, 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.	29 of 2022
2.	Date of registration of F.I.R.	3rd February 2022
3.	Name of Police Station	Jejuri, District-Pune
4.	Section/s invoked	302 of <i>I.P.C., 1860</i> ; and 4 and 25 of the <i>Arms Act, 1959</i> .
5.	Date of incident	3rd February 2022
6.	Date of arrest	3rd February 2022
7.	Date of filing of Charge-sheet	8th April 2022

3. The prosecution case is that the deceased was the maternal aunt of the Applicant. As per the prosecution case, the Applicant was not working and he is not married. The Applicant was harassing the deceased seeking sexual relations with her and the deceased was opposing the same. Therefore, the incident in question took place.

4. It is the contention of the learned Counsel for the Applicant that the Applicant is in custody since 2 years. The investigation is completed and the Charge-sheet has been filed. He submitted that there are no antecedents. He submitted that the incident in question took place on the spur of the moment and there was no intention to commit the offence in question.

5. On the other hand, Mr. Deokar, learned APP vehemently opposed the Bail Application and submitted that there are two eye-witnesses to the incident. He submitted that the Applicant has mercilessly assaulted the deceased. He pointed out the Post-Mortem Examination Report and injuries on the body of the deceased. He therefore submitted that the Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 3rd February 2022, the F.I.R. was lodged on the same day and also the Applicant was arrested on 3rd February 2022. The Charge-sheet was filed on 8th April 2022. There are 18 witnesses as per the Charge-sheet. Till date, there is no progress in the trial and even the

Charges are not framed yet. The trial is likely to take a considerably long time.

7. Mr. Babar, learned Counsel appearing for the Applicant states on instructions that as several witnesses are residing in the same locality as that of the Applicant i.e. Jejuri, District-Pune, the Applicant will therefore not reside within District - Pune and that the Applicant will reside at Velapur, Taluka Malshiras, District - Solapur.

8. The Applicant does not appear to be at risk of flight.

9. The Applicant does not have any criminal antecedents.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:-

ORDER

(a) The Applicant - Vishal Manik Jagtap be released on bail in connection with C.R. No.29 of 2022 registered with the Jejuri 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) The Applicant shall not enter the Pune district 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 Valapur Police Station, Taluka - Malshiras, District - Solapur once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. for six months and thereafter once in a month on first Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Velapur Police Station, Taluka - Malshiras, District - Solapur 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 prosecution 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.

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.]