

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

CRIMINAL BAIL APPLICATION NO. 4237 OF 2023

Sumit Ganesh Gunjal

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Shivani S. Kondekar, Advocate, for the Applicant.
Mr. S.M. Mangaonkar, APP, for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 7th May 2024

P. C.

1. Heard Ms. Kondekar, learned Counsel for the Applicant and Mr. Mangaonkar, 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.	323 of 2021
2.	Date of registration of F.I.R.	19 th December 2021
3.	Name of Police Station	Karjat, District-Raigad
4.	Sections invoked	302, 307, 326, 324, 141, 143, 144, 148, 149, 323, 504, 506 r/w 34 of <i>I.P.C., 1860</i> ;
5.	Date of incident	18 th December 2021
6.	Date of arrest	19 th December 2021
7.	Date of filing of Charge-sheet	16 th March 2022

3. As per the prosecution case, Mahesh Chavan had borrowed an amount of Rs. 500/- from Rohan Ganesh Gunjal. The Applicant is the brother of said Rohan. All Accused are cousins and near relatives of said Rohan. As per the prosecution case, the Accused, the deceased and others were residing in the same locality and are all friends. The Applicant and said Rohan were questioning said Mahesh Chavan about non-payment of money and at that time, said Mahesh Chavan called his relatives and friends and they intervened and altercations took place, which ultimately resulted in the Applicant assaulting the deceased – Anil Chavan with a knife and there are two injured. The deceased succumbed to the resultant injuries in the hospital.

4. It is the contention of Ms. Kondekar, learned Counsel for the Applicant that the incident took place due to sudden quarrel. There was no motive for the Applicant to kill the Deceased. The Applicant had no dispute with the Deceased. She submitted that the Applicant is incarcerated since December 2021 and that there is no progress in the trial and even the Charge is also not framed yet. She submitted that in the said incident, in fact the Applicant has also been injured and pointed out the Injury Certificate (Page 59). She submitted that the Applicant is behind bars for more than about two years and six months. She submitted that the Applicant was a young man aged 21 years when the incident took place. She therefore submitted that the Applicant be

released on bail. She submitted that the weapon used i.e. knife was in fact a pocket knife and as the Applicant was working in housekeeping, he used to carry the said pocket knife. There are no antecedents.

5. On the other hand, Mr. Mangaonkar, learned APP vehemently opposed the Bail Application. He submitted that the Applicant has used the knife and mercilessly assaulted the Deceased. He pointed out that there are two stab injuries on the chest of the deceased. He therefore submitted that the Bail Application be rejected.

6. Perusal of record shows that the incident in question took place on 18th December 2021, F.I.R. was lodged on 19th December 2021, the Applicant was arrested on 19th December 2021 and the Charge-sheet was filed on 16th March 2022. As per the Charge-sheet, there are 28 witnesses proposed to be examined by the prosecution. Till date, there is no progress in the trial and even the Charge is not framed yet. Accordingly, the trial is likely to take a considerably long time.

7. *Prima facie*, there is substance in the contention of Ms. Kondekar, learned Counsel for the Applicant that the incident in question took place on the spur of the moment.

8. Ms. Kondekar, learned Counsel for the Applicant states that as several witnesses are from Taluka Karjat, District-Raigad, the Applicant will therefore not reside within District - Raigad and that the Applicant will reside at C/o. Shanta Vijay Pawar, Wadar Galli, Daund, Pune,

District - Pune.

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

ORDER

(a) The Applicant - Sumit Ganesh Gunjal be released on bail in connection with C.R. No.323 of 2021 registered with the Karjat Police Station, Taluka - Karjat, District - Raigad 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 Raigad 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 Daund Police Station, Pune, District - Pune once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the

trial. The Police Inspector of Daund Police Station, Pune, District-Pune 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.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this Order.

[MADHAV J. JAMDAR, J.]