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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1666 OF 2024

Bhramha Vishnu Jadhav ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Nagesh Khedkar a/w Prithviraj Deshmukh for the Applicant.

Ms. S. G. Talhar, APP for the State.

Mr. Nagnath Suryavanshi, PSI, Wakad Police Station, Pimpri-Chinchwad, Pune, Present.

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CORAM : M.S. Karnik, J.
DATED : 23rd SEPTEMBER 2024

P.C. :-

1. Heard learned counsel for the applicant.
2. This is an application for bail in respect of the offence punishable under Sections 302, 307, 326, 324, 323, 504, 506, 143, 147, 148, 149, 120-B read with 34 of the Indian Penal Code and Section 7 of the Criminal Law Amendment Act, registered on 29th July 2022 vide C. R. No.657 of 2022 with Wakad Police Station, Pune.
3. There are in all 8 accused. The applicant is accused No.6. The deceased died as a result of chest injury. There

was some quarrel that took place on the date of the incident i.e., 28th July 2022. It appears that the deceased admonished the accused for encouraging a minor child to eat gutkha which annoyed the accused. Accused Sumit stabbed the deceased in his chest with a knife.

4. As per the eye-witnesses, the accused Sumit stabbed the deceased. When the deceased and another injured witness were trying to run away. It is alleged the applicant took the knife from Sumit and assaulted the deceased on his leg and back. The cause of death as per the P.M. notes is stab injury to the chest. The stab injury is not attributed to the present applicant.

5. Learned APP submitted that the intention on the part of the applicant was to kill the deceased as is clear from the statement of eye-witnesses. It is submitted that even after the accused Sumit stabbed the deceased on his vital part, the applicant snatched the knife from his hand. It is submitted that eye-witnesses attributed specific role to the applicant.

6. The injury which caused the death of the victim is not attributable to the applicant. The applicant was arrested on 29th July 2022 and is in custody for more than 2 years. There is one criminal antecedent reported against him under Section 326 at the Wakad Police Station. The trial is not likely to conclude any time soon as even charges are not framed. The criminal antecedents by itself should not be a factor to deprive the facility of bail to the applicant in the present facts.

7. Considering the role of the applicant and that the applicant is jail for more than two years, I am inclined to release the applicant on bail on conditions, the following order:

ORDER

(a) In connection with C.R. No. 657 of 2022 dated 20th July 2022 registered with Wakad Police Station for the the offence punishable under Sections 302, 307, 326, 324, 323, 504, 506, 143, 147, 148, 149, 120-B read with 34 of the Indian Penal Code and Section 7 of the Criminal Law

Amendment Act, the applicant- Bhramha Vishnu Jadhav shall be released on bail on furnishing the P.R. bond to the extent of Rs. 25,000/- with one or more sureties in the like amount.

(b) The applicant shall not enter the jurisdiction of the Wakad Police Station till conclusion of the trial.

(c) The applicant shall furnish his residential address and contact details to the Investigating Officer.

(d) The applicant shall report to the police station which is nearest to the place of his residence on every first Monday of the month between 11.00 a.m. to 1.00 p.m.

8. The application is disposed of.

(M.S. Karnik, J.)