

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

BAIL APPLICATION NO. 3277 OF 2024

Gurudeepsingh Preet Singh Gill	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Ms. Ruby Shaikh i/by Imran Shaikh for the Applicant.
Mr. Prasanna P. Malshe, APP for Respondent-State.
Mr. G. V. Meghaule, PSI, Ghatkopar Police Station, Mumbai.

**CORAM: MANISH PITALE, J.
DATE : 23rd OCTOBER 2024**

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is seeking bail as he was arrested on 26th March 2022 in connection with FIR No. 144 of 2022 dated 26th March 2022 registered at Ghatkopar Police Station, Mumbai, for offences under Section 307 of the Indian Penal Code, 1860 (IPC), Sections 4 and 25 of the Arms Act, 1959 and under the provisions of Maharashtra Police Act, 1951.

3. The informant in the present case is the wife of the applicant. She has described, as to the manner in which on the date and time of the incident, the applicant assaulted the informant and the daughter by means of a sword. It is submitted

that when a quarrel ensued between the applicant on the one hand and the informant and the daughter on the other, the applicant acted in a violent manner and caused grievous injuries to both the victim. The sword was recovered from the place of the incident and the applicant was arrested on the very same day.

4. The learned counsel for the applicant submits that the applicant is not a criminal and the genesis of the incident appears to be domestic strife between the informant and the applicant, as also the daughter. It is submitted that the applicant has already suffered incarceration for a period of about 2 years and 7 months. The charge is yet to be framed and the trial would take considerable period of time. It is submitted that the applicant is more than 60 years old and in these circumstances, this Court may consider enlarging the applicant on bail. He undertakes to abide by conditions that may be imposed by this Court.

5. The learned APP, on the other hand, relied upon the statement of the informant, as well as that of the daughter, which reveal the violent manner in which the applicant assaulted his own wife and daughter, during the quarrel that took place on the date and time of the incident in the house of the applicant. It is submitted that dangerous weapon in the form of sword was used. Attention of this Court was invited to the injury certificate, showing grievous injuries suffered by both the victims. On this basis, it was submitted that this Court may not show any indulgence to the applicant.

6. The statements of informant as well as the daughter, sufficiently bring out the role of the applicant, as regards the violent manner in which he assaulted both the victims by means of the sword. It appears that the incident occurred in the backdrop of a quarrel between the applicant on the one hand and his wife and daughter on the other, in respect of the job being done by the daughter and the anxiety of the applicant that she should rather get married. The injury certificates on record leave no manner of doubt as to the violent manner in which the assault was carried out and the grievous injuries suffered by the victims. But, at the same time, it has to be appreciated that the genesis of the incident was domestic strife and the applicant appears to have gone out of control. There is nothing to show that he is a hardened criminal or that he has any criminal antecedents. The record shows that he is about 62 years old. He has already undergone incarceration for a period of about 2 years and 7 months.

7. The charge is yet to be framed and the chances of the trial being completed within a reasonable period of time appear to be remote. In such circumstances, particularly when the weapon of assault is already recovered from the place of the incident, this Court is of the opinion that bail can be granted to the applicant, subject to stringent conditions.

8. In view of the above, the application is allowed in the following terms:

- (a) The applicant shall be released on bail in connection with FIR No. 144 of 2022 dated 26th March 2022 registered at Ghatkopar Police Station, Mumbai, on furnishing P.R. Bond of Rs. 50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
 - (b) The applicant shall not enter the jurisdiction of Ghatkopar Police Station, Mumbai, during the pendency of the trial.
 - (c) The applicant, upon being released on bail, shall not contact the informant or his daughter, in any manner whatsoever, during the pendency of the trial.
 - (d) The applicant shall cooperate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
 - (e) The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.
 - (f) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.
9. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be

cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application is disposed of.

MANISH PITALE, J.