

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

BAIL APPLICATION NO. 3287 OF 2024

Chetan Baswaraj Chitapure

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Chaitanya Dixit a/w. Mr. Dhananjay Bhosale, Advocates, for the Applicant

Ms. R. V. Newton, APP, for the Respondent – State

Mr. Vijay Chandan, API, Vimantal Police Station, Pune present

CORAM : MADHAV J. JAMDAR, J.

DATE : 13.08.2024

P. C.

1. Heard Mr. Dixit, learned Counsel appearing for the Applicant and Ms. Newton, 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.	362 of 2023
2.	Date of registration of F.I.R.	14.07.2023
3.	Name of Police Station	Vimantal Police Station
4.	Sections invoked	307, 504, 506(2) of the IPC, Sections 25, 4 of the Arms Act and Sections 37(1), 135 of the Maharashtra Police Act
5.	Date of incident	14.07.2023

6.	Date of arrest	15.07.2023
7.	Date of filing of Charge-sheet	29.09.2023

3. As per the prosecution case, the injured was working in a hotel. The hotel was closed at 11.00 p. m. at night. Thereafter, the injured and other employees were cleaning the hotel. The incident in question had taken place on 15.07.2023 at 4.00 a. m.. At that time, the Applicant had sought Cigarette from the injured who was also working in the hotel and he refused to give Cigarette to the Applicant on the ground that the hotel is closed. Therefore, the Applicant got furious and he assaulted the injured with a sickle.

4. It is the contention of Mr. Dixit, learned Counsel for the Applicant that the incident in question had taken place on the spur of the moment. He submitted that although the offence is registered under Sections 307, 504, 506(2) of the IPC, Sections 25, 4 of the Arms Act and Sections 37(1), 135 of the Maharashtra Police Act, the Injury Certificate (page No. 96) issued by the Sassoon General Hospital, Pune shows that the injuries are simple in nature. He submitted that the Applicant is 22 years old young man. There are no antecedents. He submitted that the Applicant's parents are seriously ill.

5. On the other hand, Ms. Newton, learned APP for the Respondent – State vehemently opposes the Bail Application. She submitted that

the Applicant has used a weapon in the crime. She submitted that the injured has been assaulted mercilessly by the present Applicant. She submitted that there are two eye witnesses to the incident as well as there is evidence in the nature of CCTV footage. Therefore, involvement of the Applicant is clearly seen.

6. A perusal of the record shows that the incident in question has taken place on 14.07.2023. The Applicant was arrested on 15.07.2023. The Charge-sheet was filed on 29.09.2023. Till date, there is no progress in the trial and even charge is also not framed yet. As per the Charge-sheet, there are about 15 witnesses proposed to be examined by the prosecution.

7. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. The Applicant does not have any criminal antecedents.

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

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant - Chetan Baswaraj Chitapure be released on bail in connection with C. R. No. 362 of 2023 registered with the Vimantal Police Station, Pune on his furnishing P. R. Bond of Rs. 25,000/- with

one or two solvent sureties in the like amount.

(b) 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.

(c) The Applicant shall report to the Vimantal Police Station, Pune on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial.

(d) 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.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

12. 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.]