

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

CRIMINAL BAIL APPLICATION NO.3698 OF 2024

Chetan Arvind Ghade

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Amey Deshpande with Ms. Vandana Bait, Advocate for Applicant.

Mrs. G. P. Mulekar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 13th DECEMBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 90 of 2024 registered with Upanagar Police Station, Nashik, for the offences punishable under Sections 302 and 109 read with Section 34 of the Indian Penal Code, 1860.
- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that even if the prosecution story is accepted, it is a case of self-defence.
- 4) The material collected by the Investigating Officer shows that the deceased fired two rounds from his pistol on the co-accused. Then, there

was a scuffle between the co-accused and the deceased in which the co-accused was also seriously injured. The co-accused is the real brother of the applicant to whom the applicant tried to save. In the said scuffle, certain injuries were caused to the deceased and he succumbed to those injuries.

5) Thus, it is apparent that there was no intention of the applicant to kill the deceased. Whereas, there was an intention of the deceased to kill the co-accused.

6) Thus, considering the nature of the allegations and the material available on record, I am of the opinion that the applicant is entitled for grant bail.

7) In the circumstances, though the learned Counsel for the learned APP strongly opposed the application, I pass the following order.

ORDER

- i The Bail Application is allowed;
- ii It is directed that the Applicant shall be released on bail in Crime No. 90 of 2024 registered with Upanagar Police Station, Nashik, for the offences punishable under Sections 302 and 109 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- iii The applicant shall attend the said Police Station on 1st day of every month between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;

- iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;
- vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]