

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

BAIL APPLICATION NO. 3779 OF 2024

Shubham Kisan Davkhare

.Applicant

Versus

State of Maharashtra

.Respondent

Mr. Priyal G. Sarda a/w. Mr. Shubham Sane, Advocates, for the Applicant
Ms. R. V. Newton, APP, for the Respondent – State
Mr. V. M. Shelke, HC/1940, Khed Police Station, Pune (Rural), present

CORAM : MADHAV J. JAMDAR, J.

DATED : 25.09.2024

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1. Heard Mr. Sarda, learned Counsel for the Applicant and Ms. Newton, 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.	927 of 2023
2	Date of registration of F.I.R.	01.11.2023
3	Name of Police Station	Khed, District-Pune
4	Section/s invoked	302, 307, 504, 506 & 34 of the <i>I.P.C., 1860</i> ; 4 & 25 of the <i>Arms Act, 1959</i> .
5	Date of incident	31.10.2023
6	Date of arrest	06.11.2023
7	Date of filing Charge-sheet	23.12.2023

3. As per the prosecution case, on 31st October 2023, there was a minor accident between two vehicles, namely a car which belonged to the deceased and the two-wheeler of the Applicant. The first Informant-Satish Ram Tayde and the Deceased-Akshay Dasture were seeking compensation for the said accident and damage to their car from the Applicant and at that time, an altercation took place between the Deceased, Applicant and other two co-Accused and during the said verbal altercation, Accused No.1 asked the Applicant and the co-accused to hold the deceased and Accused No.1-Shubham Davkhare took out a knife kept at his waist and stabbed the deceased in his stomach.

4. It is the contention of Mr. Sarda, learned Counsel for the Applicant that there is no motive and the incident took place on a spur of the moment. He submitted that there are no antecedents against the Applicant.

5. On the other hand, Ms. Newton, learned APP submitted that the Applicant assaulted the deceased with a knife and the Applicant has played major role. She submitted that there are 18 stitches seen on the middle of abdomen as per the Post Mortem Report. She submitted that therefore, the Bail Application be rejected. Ms. Newton, on instructions, states that there are no antecedents against the Applicant.

6. Perusal of the record shows that the incident in question took

place on 31st October 2023, F.I.R. was lodged on 1st November 2023 and the Applicant was arrested on 6th November 2023. It is an admitted position that investigation has been completed and Charge-sheet has been filed on 23rd December 2023. As per the Charge-sheet, there are a total of 18 witnesses proposed to be examined by the prosecution. Till date, there is no progress in the trial and even the charge is also not framed yet. Accordingly, the trial will take a considerably long time to conclude.

7. *Prima facie*, there is substance in the contention raised by Mr. Sarda, learned Counsel for the Applicant that the incident in question took place on a spur of the moment.

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.

11. In view thereof, the following order:-

ORDER

- (a) The Applicant - Shubham Kisan Davkhare be released on bail in connection with C.R. No.927 of 2023 registered with the Khed Police Station, District – Pune, on his furnishing P. R. Bond of Rs.25,000/- with one or two local 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 Khed Police Station, District – Pune, once every week i.e. on every Sunday between 03.00 p.m. and 05.00 p.m. until 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.

12. The Bail Application is disposed of accordingly.

13. 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.]