

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3061 OF 2024
IN
BAIL APPLICATION NO. 734 OF 2023**

Ajay Sudhakar Ghogle	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Harshada Morey for applicant.

Mr. Mayur S. Sonavane, APP for respondent-State.

Mr. Vinayak Karade, API, Kalwa Police Station, District Thane.

CORAM : MANISH PITALE, J.

DATE : 04th DECEMBER, 2024

P.C. :

1. This is an application moved from jail by the applicant, who was granted bail by order dated 05.10.2023, when his bail application was allowed upon imposing stringent conditions. One of the conditions required the applicant to furnish PR. Bond of ₹ 25,000/- with one or more local sureties in the like amount.

2. The learned counsel for the applicant submits that although the applicant is ready to abide by all the other conditions imposed in the said order, as he unable to arrange for one or more local sureties for an amount of ₹ 25,000/-, he has not enjoyed the fruits of the order dated 05.10.2023 passed by this Court. In other words, he has continued to be in the custody, despite the aforesaid order being passed more than an year ago. In this backdrop, it is prayed on behalf of the applicant that instead of the condition of furnishing one or more local sureties for an amount of ₹ 25,000/-, this Court may consider modifying the condition to furnishing cash security of ₹ 25,000/-.

3. The learned APP has opposed the aforesaid prayer on the ground that due to the act of the applicant of causing murder of his own brother, no person is coming forward to act as local surety. In such circumstances, if indulgence is shown by this Court, there is possibility of the applicant influencing the witnesses and delaying the trial itself.

4. In the context of the objection raised by the learned APP, this Court has perused the specific conditions imposed upon the applicant in the said order dated 05.10.2023. Conditions (c) and (f) are relevant in this context and they read as follows:

- “(c) The applicant shall attend the Investigating Officer of Kalwa police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Mumbai/Mumbai Suburban and Thane District after being released on bail, till the trial concludes.”

5. This Court is of the opinion that the the above-quoted two conditions sufficiently take care of the apprehensions expressed by the learned APP. It is also to be noted that the incident in the present case, appears to have taken place in a sudden turn of events, which has been noticed in paragraph No.3 of the said order, which reads as follows:

- “3. The applicant was arrested on 28/10/2019. The accusation is that on 28/10/2019, the applicant stabbed his real brother with a knife and killed him. The incident happened in the afternoon during lunchtime. The applicant had come home and had finished lunch. Over a trivial issue, he quarreled with his mother. The deceased tried to intervene by

persuading the applicant that he should not quarrel with his mother, especially during the festivities. The deceased slapped the applicant. The applicant got angry and in a fit of rage took the knife which was lying on the kitchen table to stab the deceased on his chest. Before the victim could be taken to the hospital the victim died.”

6. Considering the nature of incident and the allegations levelled against the applicant, this Court is convinced that the present application can be allowed.

7. In view of the above, the application is allowed and condition (b) is modified to the extent that instead of the applicant furnishing one or more local sureties of ₹ 25,000/-, he is granted bail on furnishing cash security for an amount of ₹ 25,000/-.

8. All the other conditions in the said order dated 05.10.2023 shall continue to operate.

(MANISH PITALE, J)

Priya Kambli