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

CRIMINAL BAIL APPLICATION NO. 1658 OF 2024

Vishal Ravindra Kevat	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Arun Rajput a/w. Mr. Viral Mukte and Mr. Raj Pardikar, Advocates for Applicant.
 - Ms. Rajeshree V. Newton, APP for Respondent – State.
 - Mr. Atmaram T. Kadam, PSI – Wadala T.T. Police Station present.
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CORAM : MILIND N. JADHAV, J.
DATE : APRIL 08, 2025.

P.C.:

- 1.** Heard Mr. Rajput, learned Advocate for Applicant and Ms. Newton, learned APP for Respondent – State.
- 2.** This is an Application under Section 439 of the Code of Criminal Procedure, 1973 seeking Regular Bail in connection with C.R.No.122 of 2021 registered with Wadala T.T. Police Station, Mumbai for the offence punishable under Section 302 of the Indian Penal Code, 1860 (for short ‘**IPC**’) for having committed murder of his brother-in-law namely husband of his sister.
- 3.** In the present crime, the incident occurred on 19.04.2021 at about 09:30 p.m. in the night. Precursor to the incident was a phone call which was received by the sister of the Applicant from her brother-

in-law namely brother of the deceased victim. She did not respond to the said phone in an appropriate manner which was informed to the deceased victim by his brother. Applicant and the deceased victim both had a round of drinks and returned home and on arriving the deceased victim questioned his wife about the manner in which she responded to his brother. He was in an inebriated and intoxicated state of mind and he repeatedly abused his wife namely sister of Applicant in front of the entire family which did not go down well with the family members of his wife.

4. Initially the mother of Applicant intervened to quell the quarrel and hurling of abuses, but the deceased victim started abusing the mother which incensed the Applicant who was also present and said situation escalated into a verbal altercation and out of enragement and in a fit of rage the Applicant picked up a kitchen knife lying in the house and inflicted one singular knife blow on the victim brother-in-law to silence him. The victim succumbed to his injuries in the hospital.

5. Ms. Newton, learned APP draws my attention to the injury certificate, *inter alia*, pointing out that the infliction of the knife injury on the vital part of the victim led to immense bleeding leading to his death. She would therefore submit that considering the gravity of the crime in the present case, the Application be rejected.

6. Applicant is incarcerated in prison since 20.04.2021 for a period of 3 years and 11 months and 19 days pending trial.

7. I have perused the witness statements which are recorded of the brother of the deceased victim as also his wife which *prima facie* are in consonance with the aforementioned delineated facts.

8. *Prima facie* it is seen from the record that the incident was not pre-mediated and planned by the Applicant in as much as it happened on the spur of moment on the occasion of the birthday party celebration which was enjoyed by all family members but which turned sour due to the precursor incident of hurling abuses on the Applicant's sister and mother, which led to the present incident.

9. In view of the aforesaid *prima facie* observations and coupled with long incarceration of the Applicant pending trial, Applicant can be released on bail.

10. Hence, Bail Application is allowed subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) Applicant is permitted to furnish provisional cash bail of Rs.25,000/- for his release immediately and file

undertaking that he will provide one or two sureties in the like amount of Rs.25,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

- (iii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;
- (iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (v) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and/or non Court working day, the Applicant shall mark presence on the next working day;
- (vi) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

(vii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(viii) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner; and

(ix) In case of any infraction of the above conditions and/or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

11. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

12. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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