

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2155 OF 2024

Durgesh S. Chavan
V/s.
The State of Maharashtra

...Applicant
...Respondent.

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Mr. Ganesh Gole a/w. Mr. Bhavin Jain i/b Mr. Ateet Shirdokar for the Applicant.
Mrs. Anamika Malhotra, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 21.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 283 of 2020 registered at Kharghar Police Station, Navi Mumbai for the offences punishable under Section 302 read with 34 of the Indian Penal Code.
3. There was a dispute between the deceased on one side and applicant and other co-accused on the other side on account of certain agricultural land. It is the case of the prosecution that on account of said dispute, on the date of incident which took place on 19th December, 2020, the present applicant and other co-accused assaulted the deceased Munnalal Chavan by sticks and committed his murder.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. Learned counsel for the applicant submits that on the date of incident according to the eye witnesses altercations took place between the deceased and the applicant and during the said altercation, the present applicant had snatched the stick which the deceased was carrying and assaulted him by the said stick. It is submitted that the said facts and circumstances would show that the incident was not premeditated. It is submitted that the applicant is in jail for about 4 years and the trial is still at the stage of framing of charge. Learned counsel for the applicant submits that there are no other criminal antecedents against the applicant. It is thus submitted that the applicant may be released on bail.

6. On the other hand, learned APP for the respondent/State submits that the case is based on direct evidence. It is submitted that the present applicant has assaulted the deceased by stick. The learned APP submits that considering the nature of offence, the applicant may not be released on bail and at the most the trial may be expedited.

7. I have perused the statement of eye-witnesses. *Prima facie*, the incident does not appear to be premeditated. The applicant is in jail for about 4 years. The trial is still at the stage of framing of charge. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following

order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 283 of 2020 registered at Kharghar Police Station, Navi Mumbai for the offences punishable under Section 302 read with 34 of the Indian Penal Code on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month ,i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]