

Minal Parab

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3444 OF 2024

Madhav Chalitar Mandal	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Gaurav Bhawnani a/w. Mr. Hari Rajguru, *for the Applicant.*
Ms. Poonam P. Bhosale, APP, *for the Respondent.*
 PSI Pravin Yadav, MIDC Police Station.

CORAM Dr. Neela Gokhale, J.
DATED: 24th September 2025

PC:-

1. By way of the present application, the Applicant seeks his release on bail in connection with C.R.No.0863 of 2022 dated 22.07.2022 registered with MIDC Police Station, Mumbai, for offences punishable under Section 302 of the Indian Penal Code, 1860 (for short 'IPC').

2. It is the case of the prosecution that the Applicant and the deceased were working in Hotel Residency. The

Applicant was a cook and the deceased was a waiter. According to the prosecution, on 21.07.2022 at 12 o'clock in the night, a quarrel took place between the Applicant and the deceased. The quarrel abated and they continued doing their respective duties. At about 8:00 a.m. in the morning, the manager of the hotel came and scolded the Applicant, further cautioning him not to quarrel with the waiter (deceased). However, the deceased once again picked up a quarrel with the Applicant and another scuffle ensued. The scuffle turned violent and in the ongoing scuffle, the Applicant picked up a knife and assaulted the deceased. There were number of injuries on the chest of the deceased. He was shifted to the hospital and was declared dead. Accordingly, the head cook made complaint to the police pursuant to which, the FIR was registered.

3. The Applicant made an application seeking bail before the learned Sessions Court at Dindoshi. By order dated 03.11.2023, his bail application was rejected.

4. Mr. Gaurav Bhawnani, learned counsel appeared for the Applicant and Ms. Poonam Bhosale, learned APP represented the State.

5. Mr. Bhawnani fairly states that there was a CCTV footage as well eye-witnesses, who have given statements regarding the said scuffle. The witnesses have also stated that they have seen the Applicant stabbing the deceased with a kitchen knife. He however submits that at best, the offence invoked against the Applicant would be under Section 304 Part II and not under Section 302 of the IPC. He further submits that the Applicant was arrested on 22.07.2022 and till date, charges are not yet framed. He thus submits that by applying the principle of long incarceration, the Applicant be released on bail. He further states that the Applicant is a permanent resident of Thane.

6. Per contra, Ms. Poonam Bhosale resists the bail application by stating that there are seven eye-witnesses, who have evidenced the said incident. She states that even the

CCTV footage was examined and it was revealed that the Applicant had stabbed the deceased. She thus submits that the present application be rejected.

7. I have heard the Counsel appearing for both the parties and I have gone through the record with their assistance. Admittedly, it appears from the CCTV footage as well as the statements of the eye-witnesses that, possibly the Applicant had stabbed the deceased with a kitchen knife. However, the quarrel that took place between the deceased and the Applicant seems to be on the spur of the moment and there does not appear to be any premeditation in commission of the said offence. Although the Applicant is in custody since July 2022, charges are not yet framed. In a series of decisions of the Supreme Court, long incarceration has been a ground on which bail is granted to the accused since their fundamental right under Article 21 of the Constitution of India is violated. Furthermore, it is also seen that the present Applicant has no antecedents. Thus, considering the totality of

the circumstances, the absence of a premeditative motive / intention of committing the said offence and the long incarceration, I am of the opinion that the Applicant has made out the case for grant of bail and it is ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station once in a month between 11:00 a.m. to 02:00 p.m.;
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iv) If the Applicant has not deposited his passport, he shall deposit the same with the concerned Police Station;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)