

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3697 OF 2024

Shivprasad Ambika Jaisawal

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Anirudh Hariram Yadav a/w. Mr. Viraj Gharat, Mr. Anoop Pal and Mr. Nitin Hajane, Advocates for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 02, 2025

P.C.:

1. Heard Mr. Yadav, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent.

2. Applicant is indicted for offences punishable under Section 302 of the Indian Penal Code, 1860 (for short 'IPC') and is in incarceration for past almost 1 year since 16.04.2024.

3. Mr. Yadav would persuade me to consider the incident which has occurred on the fateful day and would submit that deceased – victim on that date came in an inebriated state and attempted to sleep in front of the temple next to which Applicant has been selling fruits from his hand-cart for the past more than 20 years. He would submit that Applicant objected to the presence of deceased – victim considering his intoxicated state and attempted to drive him away but

the deceased – victim did not take it kindly and retaliated back by abusing the Applicant.

4. He would submit that wife of deceased – victim attempted to take him away from the place of incident but the deceased – victim opposed Applicant incessantly which enraged Applicant and Applicant in fit of rage and anger on the spur of the moment inflicted several fist and kick blows on the victim resultantly leading to his death. The deceased – victim was immediately shifted to the hospital where he was declared dead by hospital authorities.

5. Mr. Yadav would persuade the Court to consider that there was no pre-meditation and the incident occurred on the spur of the moment due to the verbal altercation which led to the scuffle and the ultimate fateful incident. He would submit that no weapon was used by Applicant which the Court should consider for allowing the present Application. He would submit that Applicant has deep roots in the Society, that his son has taken admission for engineering this year and he has have a daughter of marriageable age and a family to provide care and support and he being the sole bread earner of the family, the Application for bail be considered by the Court. Learned APP appearing in the matter shall consider the aforesaid submissions from the charge-sheet made by the Advocate for Applicant and apprise the role of Applicant on the next adjourned date when this Court proposes

to hear his Application for bail.

6. Stand over to **23rd April, 2025**. To be placed on the caption
‘Supplementary Board’.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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