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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3984 OF 2024

Shailesh Babu Kuchekar

...Applicant

V/s.

State of Maharashtra

...Respondent

Mr.Ratnesh N. Dube for the Applicant appointed through Legal Aid.

Ms.Gauri S. Rao, APP for the Respondent – State.

CORAM : SANDESH D. PATIL, J.
DATE : 20TH SEPTEMBER, 2025.

P.C. :-

1. By the present Application, the Applicant is seeking bail in connection with the FIR No.43 of 2022 registered with MIDC Police Station, District Raigad under Sections 302, 201, 323, 324, 504, 34 IPC. Learned advocate for the Applicant has tendered a copy of the charge-sheet.

2. The case of the Prosecution is that the Deceased Umesh @ Gotya Shankar More and the Applicant along with the first

informant were known to each other. It is the case of the Prosecution that on 15th April, 2022 at about 6:00 a.m. there was a verbal altercation between Deceased and Applicant. On the next day i.e. on 16th April, 2022 at 9:00 a.m., the Complainant, along with others were drinking liquor in the house of one Pandhari Kuchekar. Further the case of the Prosecution is that thereafter the Applicant, Mangesh Yadav (co-accused), Deceased and the Complainant went to river at about 11:00 a.m., they again started drinking liquor. The Applicant was swimming in the river. The Applicant gave a slap on the cheek of the Deceased, hence the Deceased started verbally abusing the Complainant. At that time, the Applicant pushed the Deceased inside the river. The Deceased kept on pleading that he does not know the swimming and they should leave him. In spite of that the Applicant and co-accused started pushing the Deceased in the water. This went of about 15 minutes. The Deceased thereafter drowned in the river.

3. On 17th April, 2022, the accused was arrested. The advocate for the Applicant, appointed through Legal Aid, submits that there are 38 witnesses to be examined, the charge is already

framed. It is the contention of the learned advocate for the Applicant that there is a delay in lodging the FIR. He invited my attention to the statement of the eye witness recorded under Section 164 of Cr.P.C. and stated that the said statement does not support the FIR. Learned advocate further stated that the incident occurred in bright day light at 11:00 a.m. on 16th April, 2022 and that there was delay in lodging the FIR in as much as the FIR was lodged on 17th April, 2022. It is submitted by the learned advocate for the Applicant that no attempt was made by the Complainant to save the Deceased. This conduct of the first informant was not natural. It is also stated that the postmortem report is also reserved and at this stage it can't be said that the death was due to drowning. He stated that this is a fit case where bail should be granted to the Applicant, who is already behind the bar from 17th April, 2022.

4. Learned APP states that the charge is framed. The evidence of the eye witness shows that he was present on the spot. The statement of the eye witness, who is also informant recorded under Section 164 of Cr.P.C. also shows that the eye witness has

reported the incident minutely. He lastly prays that the Application be rejected.

5. I have gone through the Application as well as the copy of the charge-sheet. I find that the first informant has narrated the incident very minutely. There is nothing to dis-believe the first informant at this stage. Even in the statement of the first informant recorded under Section 164 of Cr.P.C., he reiterated that the Applicant as well as the co-accused had pulled the Deceased in river and they forcibly pushed the Deceased in the water. He also reiterates that they all were drunk on the day of incident. As of today, there is nothing to disbelieve the witness, who also happens to be the first informant. The charges are framed. Trial has already commenced. The offence is under Sections 302, 201, 323, 324, 504 & 34 of I.P.C., which is punishable for life or death. In the circumstances, I am not inclined to grant bail.

6. Learned Sessions Judge to make an endeavor to dispose of the trial as expeditiously as possible. In case the trial does not begin within the period of one year from today, liberty is granted

to the Applicant to file a fresh Bail Application.

7. The present Bail Application is disposed of. At this juncture, I would like to record the word of appreciation towards Mr.Ratnesh Dube, the learned advocate appearing for the Applicant, who is appointed through the Legal Aid. The Legal Aid Committee to pay honorarium to Mr.Ratnesh Dube as per rules.

8. Needless to say that the opinion expressed herein are *prima-facie* and the Trial Court not to be influenced with the aforesaid opinion at the time of trial.

9. Bail Application is rejected.

(SANDESH D. PATIL, J.)