

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

CRIMINAL BAIL APPLICATION NO. 4022 OF 2024

Rahul Ramesh Chauhan and Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Ganesh Gupta a/w Mr. Deepak Gupta, Mr. Sahil Ghorpade, Mr. Surya Gupta, Mr. Madan Khansole, Ms. Roshni Naaz and Ms. Priyanka Rathod i/b GG Legal Associates, learned Advocates for the Applicants.

Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent.

API Mr. Ketan Manjare attached to Bhosari Police Station, Pimpri-Chinchwad, Pune is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 1st JULY 2025.

P.C. :

1. Heard Mr. Ganesh Gupta, learned Advocate for the Applicants and Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicants are before this Court seeking regular bail in connection with Crime No. 99 of 2024 registered with Bhosari Police Station, Pimpri-Chinchwad, Pune for the offences punishable under Sections 302, 307, 326 and 504 read with 34 of the Indian Penal Code Act, 1860 (“**IPC**” for short). Mr. Ganesh Gupta, learned Advocate for the Applicants submits that the abovesaid crime is

registered as Sessions Case No. 518 of 2024 and the same is pending before the Additional Sessions Judge, Pune.

3. There are 2 accused in the said crime. Applicants are Accused Nos. 1 and 2 respectively.

4. Case of the prosecution is that a quarrel/altercation between two groups turned violent, resulting in fight and assault. Mahendra Indrajit Chauhan suffered injuries in the said assault. FIR as initially registered was under Section 326 of the IPC. However on account of the death of Mahendra Indrajit Chauhan, Section 302 of the IPC was added to the crime.

5. Applicants were arrested on 20th February 2024 and since then they continue to be in jail. Criminal Bail Applications filed by the Applicants in Sessions Case No. 518 of 2024, were rejected by order dated 15th July 2024 by the Additional Sessions Judge, Pune.

6. Mr. Ganesh Gupta, learned Advocate submits that the Applicants were also injured in the fight between the two groups. He submits that First Information Report bearing No. 98 of 2024 dated 19th February 2024 is registered with Bhosari Police Station, Pimpri-Chinchwad at the instance of the Applicants against the deceased. He submits that the incident as alleged was at the spur of the moment and on account of grave and sudden provocation. He submits that there was no intention on the part of Applicants to cause hurt or death of the deceased. He submits that the Applicants do not have any criminal antecedents. He submits that Applicant No. 1 is 19 years of age, whereas Applicant No. 2 is 24 years of age.

7. Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent submits that the present crime is of serious nature. She submits that there are eye witnesses to the crime. She submits that after assault on the deceased, he was unconscious till the time he succumbed to the injuries. She submits that the investigation is complete and the charge-sheet is filed.

8. I have perused the records with the assistance of learned Advocates of the parties.

9. Perusal of the charge-sheet and the statements recorded during the course of investigation, *prima facie* indicates that the incident as alleged, was out of the spur of moment. Records do not indicate any premeditated act on the part of Applicants. Applicants are in jail since 20th February 2024. Investigation is complete and the charge-sheet is filed. *Prima facie*, the material on record is not sufficient to warrant the custody of Applicants pending the trial. Applicants are therefore entitled to bail.

10. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicants are directed to be released on bail in connection with Crime No. 99 of 2024 registered with Bhosari Police Station, Pimpri-Chinchwad, Pune for the offences punishable under Sections 302, 307, 326 and 504 read with 34 of the IPC on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-Five Thousand Only) each with one or two sureties in the like amount, to the satisfaction of the Additional Sessions Judge,

Pune.

- b. Applicants shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 518 of 2024, pending on the file of Additional Sessions Judge, Pune, on each and every date, unless exempted from appearance.
 - c. Applicants shall appear and report to the Investigating Officer, Bhosari Police Station, Pimpri-Chinchwad, Pune on 5th of each month between 10.00 a.m. and 12.00 p.m. till framing of the charge in Sessions Case No. 518 of 2024.
 - d. Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
 - e. Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
11. Criminal Bail Application No. 4022 of 2024 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]