

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4160 OF 2024

Bharat @ Bablu Sudam Chaudhari Applicant

Versus

The State Of Maharashtra Respondent

Ms. Sana Raees Khan, for the Applicant.

Mr. Sameer M. Mangaonkar, APP, for the Respondent – State.

Mr. Mahesh Pungare, PSI, Shikrapur Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th JANUARY, 2025.

P.C. :

1. By this application, the Applicant is seeking regular bail in Crime No.521 of 2021 registered with Shikrapur Police Station, Pune for the offence punishable under Sections 302, 324, 452, 504 and 506 of the Indian Penal Code, 1860 (for short “the IPC”).

2. It is prosecution’s case that there was dispute between the Applicant and deceased about the sale of land. On 30th June 2021, the deceased had put up thorn bush fencing around his land, but the

Applicant had removed it by threatening to first informant and the deceased. It is alleged that, on 6th July, 2021 around 8:30 p.m, when first informant and the deceased were present in their house, at that time, the Applicant banged on their door, due to banging, the door opened. The Applicant forcefully entered in the house. He was holding a large stone in his hand, he came inside and started abusing and assaulting the husband of the first informant. He gave blows of stone on the head of her husband. He also assaulted the deceased with table fan and wooden stool on his head. Due to said assault, the husband of the informant fell down on the floor and became unconscious, he sustained multiple injuries on his head and body. When the husband of the informant was unconscious, at that time, the Applicant said now that he is dead and no one will come to his rescue. When the first informant tried to rescue her husband from assault of the deceased, he also assaulted the first informant with stone and injured her.

4. It is contention of learned counsel for the Applicant that Applicant is behind bar for more than 5 years, yet trial has not been commenced. The Applicant is seeking bail on the ground of long incarceration. Learned counsel further submitted that this Court had

directed the trial Court to conclude the trial, but the trial has not been concluded. It may take time to conclude the trial. The Applicant has no antecedents. Hence, requested to allow the application.

She has relied on *Rohit Dattatraya Shende Vs. The State of Maharashtra and Anr.*¹, *Sagar Ashok Satkar Vs. State of Maharashtra*², *Prasad Kailas Thombare Vs. The State of Maharashtra*³, *Avinash Anant Pawar @ Ajit Dada Vs. The State of Maharashtra*⁴. and *Nikhil Chandra Mondal Vs. State of West Bengal*⁵.

5. It is contention of learned APP that the Applicant has assaulted the deceased with stone. He gave multiple blows on the head of deceased with intention to kill him. The deceased had sustained multiple injuries. The Applicant had intention to kill the deceased. The entire incident has occurred in presence of the first informant. She has also received injuries by assault of the Applicant. If Applicant is released on bail, he may threaten the prosecution witnesses and first informant. Hence, requested to reject the application.

6. I have heard both learned counsel. Perused the charge

1 (@ SLP(CRL.) No.8990/2024).

2 (Arising out of SLP (Crl.) No.7516 of 2024.

3 (Arising out of SLP (Crl.) No.7517 of 2024.

4 SLP (Crl.) No.1452/2022.

5 2023 LiveLaw (SC) 171.

sheet.

7. The allegations against the Applicant are that due to old dispute, he assaulted the deceased with stone and he gave multiple blows of stone on the head of the deceased, who was senior citizen. The incident has occurred in presence of the first informant. She tried to rescue deceased from assault of the Applicant, but the Applicant also assaulted her with stone. The Applicant had entered in the house of the deceased by forcefully opening the door with big stone in his hand. He gave multiple blows of stone on the head of the deceased. It shows, he had intention to kill the deceased. He not only assaulted the deceased with stone, but also assaulted the deceased with other articles like table fan and wooden stool. He left the incident spot, when he realized that deceased was dead. He has brutally murdered the deceased. There is strong *prima facie* case against the Applicant.

The Applicant is seeking bail on the ground of long incarceration. Though, the charge has not been framed against the Applicant, it cannot be a ground to grant the bail, as offence under section 302 of the IPC is registered against the Applicant and punishment for this offence is life imprisonment or death sentence.

The charge may not have been framed because of the Applicant only as he may have wanted to take this ground for bail. As observed earlier, the Applicant had intention to kill the husband of the first informant. The entire incident happened in presence of the first informant, she was also injured in assault of the Applicant. The Applicant is neighbour of first informant. He is hot tempered person. If he is released on bail, he may threaten the first informant and prosecution witnesses.

8. I have gone through the case laws cited by the learned counsel for the Applicant, the facts of the cited case and present case are different, hence not applicable.

9. In view of above, I pass following order:-

ORDER

i. Application is rejected.

(SHIVKUMAR DIGE, J.)