

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1030 OF 2025

Kishore Abhimanyu Patil

.. Applicant

Versus

The State Of Maharashtra

.. Respondent

.....

- Mr. Meghdeep Oak h/f Adv. Paawani Chaddha, Advocate for Applicant.
- Mr. Hitendra J. Dedhia, APP for State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 11, 2025

P. C.:

1. Heard Mr. Oak holding Advocate for Adv. Chaddha, learned Advocate for Applicant and Mr. Dedhia, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 407 of 2019 registered with Manpada Police Station for the offence punishable under Sections 302, 352, 504 and 506 of the Indian Penal Code, 1860. Incident occurred on 10.06.2019.

3. The Applicant and the deceased victim alongwith a few of their friends were all celebrating the marriage of Applicant's sister and they all had brought food, alcohol and things to eat and met at a public place in an open ground behind the crematorium in their area for the celebration. The party continued in the night when the alcohol

was exhausted after which all persons once again contributed for purchase of another bottle of alcohol which was also brought but at around midnight. The victim poured alcohol for himself and started drinking it without diluting, which enraged the Applicant and he started abusing him and demanded money from him for the Alcohol which he consumed. Since he did not have the money the Applicant incessantly kept on abusing him. Some of the common friends attempted to diffuse the situation by persuading the Applicant to take money from the deceased victim. But there was a quarrel which ensued between them as they all were in an inebriated state and the Applicant used the knife which was brought to cut the salad to slash the throat of the victim and inflicted stab blows with the said knife on his back and stomach. The victim collapsed on the ground and was taken to the hospital for treatment by the friends.

4. Statement of eye witnesses is what is relied upon by the learned Advocate for Applicant which would *prima facie* show that the incident occurred in the dead of the night when the Applicant and the deceased victim along with all their common friends were enjoying their food and drink throughout the night. Statements also show that because Applicant had paid for the alcohol which was brought at midnight he was enraged when the victim drank the same on his own and he therefore questioned the act of the victim but said argument

escalated leading to hurling of abuses and verbal altercation and resultantly leading to the unfortunate incident.

5. Mr. Dedhia, learned APP for State would persuade the Court to consider the gravity of the crime but he in his usual fairness would also submit that the trial has just commenced and the probable 15 witnesses which the prosecution desires to examine the trial would be protracted.

6. Submissions made by the Advocate for the Applicant that there was no motive or premeditation on the part of the Applicant to commit the crime in question is evident from the *prima facie* witness statements. The Applicant and victim were friends and were celebrating together with their common friends but the situation took an ugly turn leading to the incident. He would argue that according to him at the highest the present crime could be brought under Section 304 Part I or Part II considering that there was no motive or intention to kill the deceased victim and the reason was triggered at the spur of the moment due to the act of the deceased victim which enraged the Applicant.

7. In view of the above *prima facie* observations and long incarceration of the Applicant for 5 years 9 months and 1 day pending

trial, Applicant is released on bail on the following terms and conditions:-

8. Hence, Bail Application is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be released on bail on furnishing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;

(iii) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;

(iv) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

(v) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments,

if his does so, it will entitle the prosecution to apply for cancellation of this order;

(vi) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner; and

(viii) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

9. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

10. Bail Application is allowed and disposed.