

AGK

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

BAIL APPLICATION NO.1536 OF 2025

Manish Ramchandra Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Amrish Salunke with Mr. Durgesh Pandey, Ms. Shraddha, Ms. Kajal Sharma and Mr. Mirza Mohiuddin Baig for the applicant.

Mrs. Shilpa G. Talhar, APP for the respondent-State.

Mr. Deepak L. Gaikwad, PSI, Dadar Police Station, is present.

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CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 3, 2025

P.C.:

1. By the present bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C."), the applicant seeks his release on regular bail in connection with Crime Register No. 175 of 2022 registered with Dadar Police Station, Mumbai, for offences punishable under Sections 302 and 307 of the Indian Penal Code, 1860 (for short "IPC").

2. The prosecution story, in brief, is that on 21 March 2022, between 2.00 p.m. to 2.30 p.m., the applicant, while riding his Activa scooter, caused an accident with the complainant. Due to this accident, the complainant fell down, and thereafter certain altercations ensued between the complainant and the applicant.

The quarrel, which started with exchange of words, soon escalated into heated verbal argument and physical scuffle. The prosecution alleges that the applicant, enraged by this quarrel, issued threats to the complainant and ran towards his house. At that stage, the complainant called his uncle, one Ram Ganesh Singh (since deceased), to the spot for help.

3. It is the case of the prosecution that the applicant came running from his house with a knife in his hand. He first attempted to stab the complainant, but the complainant resisted, as a result of which he suffered an injury on the finger of his right hand. The applicant thereafter turned towards the deceased and stabbed him on the chest and stomach, leading to profuse bleeding. When the complainant and his brother Viraj Singh tried to intervene, the applicant himself sustained an injury on his hand during the scuffle. The deceased was immediately taken to K.E.M. Hospital for medical treatment. However, despite efforts, he succumbed to his injuries and was declared dead on 23 March 2022.

4. Learned Advocate appearing on behalf of the applicant submitted that even if the statements of the so-called eye-witnesses are considered in their entirety, it is evident that the applicant had no intention to commit the murder of the deceased. According to him, the deceased along with the complainant were the aggressors who approached the house of the applicant, which led to a sudden quarrel. The incident occurred in the heat of the moment, under sudden and grave provocation, without any premeditation on the part of the applicant. It is argued that the alleged act may, at the most, fall within the ambit of culpable homicide not amounting to

murder. The applicant has been in custody since 22 March 2022. Out of the 33 witnesses cited by the prosecution, only two have been examined till date, and there is no likelihood of the trial concluding in the near future. On these grounds, learned counsel prayed that the applicant deserves to be released on regular bail.

5. Per contra, learned APP appearing for the State has strongly opposed the prayer for bail. She pointed out that the eye-witness accounts clearly show that the applicant intentionally brought a knife from his house after the initial quarrel, and thereafter assaulted the deceased in a deliberate manner. The stab injuries inflicted by the applicant were directed at the vital parts of the body, namely, the chest and abdomen, which as per the post-mortem report, are the very cause of death. The learned APP further submitted that since the family of the applicant resides in the same locality as the complainant, there exists a real possibility of the applicant threatening or influencing the prosecution witnesses if he is released on bail. Having regard to the gravity and seriousness of the offence, coupled with the nature of the allegations, she urged that the applicant does not deserve the benefit of bail.

6. I have considered the rival submissions advanced by learned counsel for the applicant and learned APP for the State. I have also perused the charge-sheet papers, statements of eye-witnesses, and the post-mortem report.

7. At this stage, the material on record prima facie indicates that after the initial quarrel, the applicant went to his house,

armed himself with a knife, and thereafter returned to the spot. He first attempted to stab the complainant and subsequently inflicted fatal stab injuries on the deceased, which were directed on the vital parts of the body, namely, chest and stomach. The post-mortem report confirms that these injuries are sufficient in the ordinary course of nature to cause death. This sequence of events demonstrates that the assault cannot be brushed aside as a mere act done in sudden provocation, but shows a degree of determination on the part of the applicant to cause serious harm.

8. The argument made on behalf of the applicant that the incident happened without premeditation and only because of sudden provocation does not convince this Court at this stage. It is clear that the quarrel, which first began with exchange of words, did not stop there. The applicant deliberately went to his house, brought a deadly weapon like a knife, and then returned to the spot. His action of arming himself and thereafter attacking the complainant and the deceased cannot be seen as a simple act of anger in the heat of the moment. On the other hand, such behaviour prima facie shows that the applicant acted with a clear mind and with knowledge of what could happen as a result of his act. The very fact that he struck knife blows on the chest and abdomen of the deceased, parts of the body which are vital and sensitive, shows both intention and knowledge that such an attack is likely to cause death. Therefore, at this stage, the case clearly brings out the ingredients of Section 302 of the IPC, and the plea of sudden and grave provocation does not appear to be supported by the record.

9. The Supreme Court in *State of U.P. v. Amarmani Tripathi*, (2005) 8 SCC 21, has held that while considering an application for bail, the Court has to examine the nature of accusation, gravity of the offence, severity of punishment in the event of conviction, and reasonable apprehension of tampering with witnesses.

10. This Court is fully conscious that under Article 21 of the Constitution of India, every person has a fundamental right to life and personal liberty, and refusal of bail certainly restricts that liberty. But such liberty is not without limits. It has to be weighed against the rights of the victims, the necessity of protecting witnesses, and the larger interest of society in having a fair and fearless trial. When the allegations show a serious offence like murder, committed in the manner described by the prosecution, the interest of justice and the confidence of the public in the judicial process become more important than the request of the accused to be released on bail at this stage.

11. In the present case, the apprehension expressed by the prosecution that the applicant and his family members reside in the same locality as that of the complainant's family, and that there is a real likelihood of the applicant tampering with the prosecution witnesses or creating a sense of fear in their minds, cannot be brushed aside lightly. Protection of witnesses during trial is of paramount importance in the interest of fair administration of justice.

12. Considering the gravity of the accusations, the seriousness of the offence, and the settled principles laid down by the Supreme

Court in the above decisions, this Court is of the view that no case is made out for grant of bail to the applicant.

13. Accordingly, the bail application stands rejected.

(AMIT BORKAR, J.)