

AGK

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

BAIL APPLICATION NO.1720 OF 2025

Bharat Pandurang Patil

... Applicant

V/s.

The State of Maharashtra

... Respondent

Digitally
signed by
ATUL
GANESH
KULKARNI
Date:
2025.10.06
18:00:59
+0530

Mr. G.N. Salunke with Mr. S.D. Gondhali for the
applicant.

Mr. Sagar R. Agarkar, APP for the respondent-State.

Mr. Subhash Dige, API, Panvel Taluka Police Station, is
present.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 6, 2025

P.C.:

1. By this application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the applicant seeks regular bail in connection with Crime Register No. 330 of 2023 registered with Panvel Taluka Police Station for offences punishable under Section 302 of the Indian Penal Code, 1860, Sections 37(1) and 135 of the Maharashtra Police Act, and Sections 4 and 25 of the Arms Act.

2. As per the prosecution, the incident occurred on 22 December 2023 at about 3.15 p.m. The informant, Amit Dhanaji Patil, was at the milk dairy of one Rakesh Gurav situated on the tar road at village Chikhle. The accused, who is the cousin brother of the deceased, allegedly demanded money for liquor from the

applicant. The deceased obstructed the applicant's auto rickshaw while demanding money, which angered the applicant. Thereafter, the applicant went home, returned with a large knife or sickle, and assaulted the deceased, resulting in his death. After the incident, the applicant went to the police station carrying the weapon, which bore blood stains. Based on these facts, the FIR was lodged.

3. Learned counsel for the applicant submitted that there are material inconsistencies in the prosecution's case. He pointed out that the alleged eye-witness, in her statement under Section 161 of Cr.P.C. stated that after the collision involving the applicant's rickshaw, she tried to assist the victim. At that time, the applicant arrived in his rickshaw, following which she went towards her shop. She then heard the victim shouting for help and asking the applicant not to assault him. She stated that she saw the applicant assaulting the victim with a sickle. However, in her statement under Section 164 of Cr.P.C., she mentioned that she asked the victim to lie beside the road, and then the applicant came there in his rickshaw and assaulted him. He submitted that the incident took place in a sudden fit of anger without premeditation. The weapon has already been seized, and nothing remains to be recovered. The investigation is complete, and the charge-sheet has been filed. The applicant has been in custody since 12 December 2023. Considering the stage of the trial and the time it is likely to take for its conclusion, he prayed that the applicant be released on bail.

4. The learned APP opposed the application. He relied on the statement of the eye-witness recorded under Section 161 of Cr.P.C.

wherein she gave a clear and consistent account of the incident. She stated that the applicant first hit the deceased by colliding his rickshaw with him and then returned in the rickshaw to assault him with a sickle. The post-mortem report shows 12 injuries on the body of the deceased, and the cause of death is hemorrhage and shock due to multiple incised and chop wounds. The prosecution pointed out that the applicant himself went to the police station after the incident carrying the sickle, which had visible blood stains. It was further submitted that the incident was witnessed by a nearby shop owner, whose statement under Section 164 of Cr.P.C. has also been recorded. On these grounds, the learned APP prayed that the application for bail be rejected.

5. I have considered the submissions made by the learned counsel for the applicant and the learned APP for the State. I have also perused the papers of investigation, including the statements of witnesses and the post-mortem report.

6. The offence alleged against the applicant is under Section 302 of the Indian Penal Code, which is of a serious nature. The material on record shows that the incident resulted in the death of a person who was the cousin brother of the applicant. The manner in which the incident occurred indicates a deliberate act. The post-mortem report discloses as many as twelve incised and chop wounds on the vital parts of the body, which prima facie shows that the act was not accidental or in a sudden scuffle but was accompanied by intention and knowledge sufficient to cause death.

7. The prosecution case further shows that after the deceased obstructed the applicant's auto rickshaw, the applicant went to his house, fetched a sickle, returned to the spot, and assaulted the deceased repeatedly. This sequence of events clearly indicates premeditation and not a spur-of-the-moment incident. The assault was not with a simple weapon or a single blow. The repeated use of a deadly weapon like a sickle, causing multiple deep injuries, shows a deliberate and conscious act.

8. The statement of the eyewitness recorded under Section 161 of Cr.P.C. gives a consistent and clear account of the entire incident. Her version is corroborated by the statement of another witness, the shop owner near the scene of occurrence, who also saw the assault. The applicant himself went to the police station carrying the blood-stained sickle immediately after the incident. This conduct, though showing surrender, also confirms his direct involvement in the commission of the offence.

9. The contention that the incident occurred in a sudden quarrel cannot be accepted at this stage. The applicant had sufficient time to cool down when he went home and returned with the weapon. His act of fetching a sickle from his house and then assaulting the deceased indicates preparation and intention.

10. The argument regarding inconsistencies in the statements of the eyewitness does not hold much weight at this stage. Minor variations in statements under Sections 161 and 164 of Cr.P.C. are natural and do not demolish the core of the prosecution's version. Both statements consistently attribute the fatal assault to the

applicant and are supported by medical and forensic evidence.

11. The gravity of the offence, the nature of injuries, and the manner in which the assault was carried out indicate that the applicant's release on bail may not be in the interest of justice. Considering the severity of punishment prescribed for the offence under Section 302 of the IPC, the possibility of the applicant tampering with evidence or influencing witnesses cannot be ruled out.

12. The investigation is complete and the charge-sheet has been filed. However, mere completion of investigation is not sufficient to grant bail in a case involving intentional homicide supported by direct eye-witnesses and strong corroborative material.

13. Having regard to the seriousness of the accusation, the manner in which the offence was committed, and the material evidence available on record, this Court is of the considered view that this is not a fit case for grant of bail.

14. The application is, therefore, rejected.

(AMIT BORKAR, J.)