

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1739 OF 2025

Pradhyumansinh Bhikhubha Gohil

...Applicant

Versus

Union Territory of Daman & Diu

...Respondent

Mr. Majeed Memon, Senior Advocate i/b Mr. Tapish Jain for the Applicant.

Mr. Ashwin Thool a/w Mr. Ayush Singh and Adv. Archishmati Chandramore for the Respondent.

CORAM: DR. NEELA GOKHALE, J.

DATE : 6th OCTOBER 2025

P.C.:

1. The Applicant seeks his release on bail in connection with F.I.R. No.0014 of 2024 dated 4th April 2024 registered with the Coastal Police Station, Kadaiya, Daman-District, for the offence punishable under Section 302 of the I.P.C.

2. The facts of the case in brief are that on 2nd April 2024, while the deceased along with his six friends, were on a trip to Daman, stayed at the Star Villa Hotel at Devka. On 3rd April 2024, at about 12 pm, they left Star Villa Hotel to have dinner at a restaurant. The Applicant accompanied by a lady friend, was sitting in the said

restaurant. After some time, when the lady realized that one of the deceased and his friends were staring at her, she brought it to the notice of the Applicant. To avoid further attention, the Applicant and his lady friend switched places. However, the Deceased and his friend persisted in leering at the Applicants friend. The Applicant asked the deceased as to why he was staring at his girlfriend. The deceased Dhiraj Jadhav, then walked upto the Applicant's table and started talking to him. The said discussion turned into a heated argument, leading to a scuffle between the parties. There was a physical altercation between them. During the course of the altercation, the Applicant took out a knife and hit the deceased on his neck. Thus, the Applicant suffered a neck injury, which started bleeding.

3. The complainant and his friends took the deceased to a private hospital in their car. The doctor at private hospital directed them to a civil hospital. They took the deceased to a Government Hospital, wherein during treatment, the deceased succumbed to his injury. Accordingly, the F.I.R. was registered.

4. The Applicant made an application to the Sessions Judge, Daman seeking bail. However, by order dated 6th January 2025, the said bail application was rejected. The Applicant thus, made the present application for the relief as prayed.

5. Mr. Majeed Memon, learned Senior Counsel appearing for the Applicant, drew to my attention the contents of the F.I.R. The F.I.R. clearly indicates that there was an altercation between the parties, more particularly, between the Applicant and the deceased, on the ground of harassing the Applicant's lady friend. It was

during this confrontation that, the deceased walked upto the Applicant's table, to discuss the issue. A scuffle ensued. During the physical altercation between the parties, the Applicant stabbed the deceased with a pocket knife. Mr. Memon says that it was a single blow. Mr. Memon also took me through the statement of the lady friend, one Ms. Solanki. She clearly stated that the boys including the deceased were harassing her. She further stated that she and the Applicant changed seats to avoid their gaze however, the deceased did not relent and he walked to them and asked him as to what was the problem. This resulted in scuffle, ending up in the said incident.

6. Mr. Menon further submitted that the Applicant was arrested on 4th April 2024 from the place of incident and till date, only one witness is examined, despite the fact that the chargesheet was filed on 3rd July 2024 itself. He submits that *prima facie* there was no intent to commit the offence. He also submits that the Applicant has no past antecedents. Thus, he prays that the Applicant be released on bail.

7. Mr. Ashwin Thool, learned Counsel appearing for Union Territory of Daman & Diu submitted at the very outset that the trial has commenced. The prosecution intends to examine maximum 25 witnesses only, as per the list submitted in the trial court. He further submitted that one witness is already examined and hence it will be in the interest of justice that the application be rejected. He further submitted that the statements of the witnesses, as well as evidence and medical certificate, on record, clearly make out the offence under Section 302 of the I.P.C. He thus prays that the

application be rejected.

8. I have heard Counsel appearing for their respective parties and perused the evidence on record, with their assistance.

9. A plain reading of the F.I.R., the statement of the complainant himself, the statement of the Applicant's girlfriend as well as the statements of the prosecution's witness, *prima facie* indicates that the incident occurred on the spur of the moment. The provocation to the Applicant's act appears to be alleged harassment of Ms. Solanki. The statement of Ms. Solanki assumes significance. She stated they tried to avoid confrontation by changing seats, so as to avoid attention of the deceased and his friends. Despite the same, the harassment continued. It was in these circumstances, that the deceased walked up to the Applicant and pursuant to a verbal exchange, the altercation occurred. I have also seen the injury certificate, which reveals one injury, reflecting a wound in the downward direction, slightly towards the center of the neck from the left side of the deceased. This fortifies Mr. Memon's submission that this was a single blow to the deceased, which turned fatal.

10. *Prima facie*, it appears that the Applicant, in a bid to shield his girlfriend from harassment, was dragged in a scuffle with the deceased and his friends, leading to the said incident. It does not appear *prima facie* to be a premeditated act. The Applicant has already suffered one and half year of incarceration. He does not have any antecedents.

11. In these circumstances, I am inclined to enlarge the Applicant

on bail, subject to the following conditions.

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless specifically exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the concerned Police Station once in a month on the first Saturday of every month between 11:00 a.m. to 02:00 p.m.;
- iv) The Applicant shall deposit his passport, if any, with the concerned Police Station;
- v) The Applicant shall not leave India, without the permission of the Trial Court;
- vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- viii) The Applicant to co-operate with the conduct of the trial;
- ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

12. Application is allowed in the above terms and is accordingly disposed of.

[DR. NEELA GOKHALE, J]