

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2462 OF 2025**

Deepak Prabhakar More ...Applicant

Versus

State Of Maharashtra ...Respondent

Mr Kunal Aher, *with Adv. Gaurish Satpute, for the Applicant.*

Ms Poonam P Bhosale, *APP for the Respondent-State.*

Mr Navnath Waghmode, *PSI attached to Dombivali Police Station present.*

CORAM Dr. Neela Gokhale, J.

DATED: 10th September 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R.No. 337 of 2020 dated 15th November 2020 registered with the Dombivali Police Station for the offence punishable under Section 302 of the Indian Penal Code, 1860.

2. The First Informant is the sister of the deceased, Sanjay. According to her, her brother, Sanjay was in a relationship with the Applicant's wife for past about 7 years. The Applicant

learnt of this relationship and was angry with Sanjay. There used to be quarrels between the Applicant and the deceased. It is the case of the prosecution that on 15th November 2020, there was an altercation between the deceased and the Applicant and in the heat of arguments, the Applicant picked up a stone lying on the ground and smashed the deceased's head with the stone. The deceased succumbed to the injuries inflicted by the Applicant. Thus, an FIR came to be registered on 15th November 2020 on the statement of the First Informant, i.e., the sister of the deceased.

3. Mr. Kunal Aher, learned counsel appears for the Applicant and Ms. Poonam P Bhosale, learned APP represents the State.

4. At the very outset, Mr. Aher contended that the Applicant was arrested on 15th November 2020 and from that date, he is in custody. He has thus, been incarcerated for the past five years. He further submits that even charges are not framed as yet. Mr. Aher has tendered a copy of the *roznama*

maintained by the Trial Court, of the case and contends that as many as on 80 dates , the Applicant was not produced in the Court. He also says that the First Informant is not an eye witness to the incident. He thus, seeks reliefs as prayed in the Application.

5. Ms. Bhosale, per contra, submits that since the Applicant was appearing through Video Conferencing, he was not produced in person before the Court. She also points out the statements of three eye witnesses, which have been annexed to the Application. She thus, submits that the Application be rejected.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the Applicant has suffered incarceration of five years. Trial has not yet commenced. I have perused the *roznama*, which clearly indicates that as many as on 95 dates, the matter has been placed for framing of charge but the

charge is not yet framed. It appears that the incident has occurred on the spur of the moment and does not appear to be a pre-meditated crime. The Applicant is not likely commit any such offence, if granted bail. There are no antecedents in respect of the Applicant. In this view of the matter, the present case is fit for grant of bail. Hence, I pass the following order

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 Dombivali Police Station, District – Thane once in 15 days between 10:00 a.m. to 11:00 a.m. till charges are framed in the criminal trial;
- iii) The Applicant shall not enter Kalyan Taluka till such time that the evidence of all the eye witnesses is recorded save and except only to attend

the Police Station and the Trial Court as stipulated as conditions of this order;

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same 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 contact 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) The Applicant shall attend the Trial Court concerned on each and every date unless specifically exempted by the orders of the Trial Court concerned;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

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

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Court concerned to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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