



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No. 1086 of 2024

Chetan S/o Kawaduji Chute

Versus

The State of Maharashtra through Police Station Officer, Police Station
Bhiwapur, Dist. Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.M.Daga, Advocate for the applicant.

Shri Anant Ghogare, APP for the non-applicant/State.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 26th NOVEMBER, 2025.

The present application has been filed under Section 483 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* ("BNSS 2023") seeking regular bail in connection with Crime No. 445 of 2023 dated 15.10.2023 registered at Police Station Bhiwapur, District Nagpur, for the offence punishable under Section 302 of the *Indian Penal Code* ("IPC").

2. As per the prosecution, on 14.10.2023 at around 9:30 p.m., the informant Vishnu and the deceased Dinesh had visited Prayagraj Bar for consumption of liquor. At that time, one Suraj Chute also arrived at the Bar. Suraj allegedly poured water on

Dinesh, which led to an objection and a subsequent quarrel between the two. Dinesh allegedly pushed Suraj, causing him to fall to the ground. Thereafter, Vishnu and Dinesh returned home and had dinner. At about 11:30 p.m., when Vishnu, Dinesh, and Bhupesh Shivarkar were conversing, the applicant arrived and questioned Dinesh regarding his altercation with Suraj. When Dinesh advised the applicant to come the next day along with Suraj, the applicant allegedly took out a knife and assaulted Dinesh on his face and abdomen. A report was accordingly lodged.

3. Learned counsel for the applicant submits that a perusal of the witnesses' statements demonstrates that the incident occurred in the heat of a verbal altercation and was neither premeditated nor pre-planned. It is urged that the applicant did not possess the intention to cause the death of the deceased and that the assault was triggered by provocation. He submits that, as per the post-mortem report, the cause of death was a stab injury to the liver and that Injury No. 3 is a large lacerated wound on the right hypochondriac region. According to him, the case does not squarely fall within the ambit of Section 302 IPC. It is further submitted that the applicant has been in custody for more than two years; the charge-sheet has been filed, but

the trial has not commenced. Learned counsel relies upon the orders of the Hon'ble Supreme Court in *Surendra v. State of Maharashtra*, Criminal Appeal No. ... of 2025 arising out of SLP (Criminal) No. 5139/2025, and *Rup Bahadur Magar @ Sanki @ Rabin v. State of West Bengal*, Criminal Appeal No. 4144 of 2024 arising out of SLP (Criminal) No. 11589 of 2024, in support of the prayer for bail.

4. Per contra, learned Additional Public Prosecutor opposes the application and submits that there are three eye witnesses who have specifically attributed the act of stabbing to the applicant. It is further pointed out that statements under Section 164 of the Code of Criminal Procedure have also been recorded, lending further credibility to the prosecution case. He submits that the offence is grave and the act of the applicant demonstrates clear intent to cause death. The Chemical Analyzer's reports, prima facie, support the prosecution theory and directly link the applicant to the crime. Hence, rejection of the bail application is sought.

5. Having considered the rival submissions and perused the case record, as well as the authorities relied upon by the applicant, this Court notes that the applicant has been incarcerated for over two years, and

despite the filing of the charge-sheet, the trial has yet to commence. Further prolonged pre-trial detention, without any concrete progress in trial proceedings, would not be justified. In the totality of circumstances, and without commenting on the merits of the case, this Court is of the view that the applicant can be released on bail subject to stringent conditions to ensure his presence and the integrity of the trial.

6. Accordingly, the application is allowed, subject to the following conditions:

ORDER

- i. Applicant - **Chetan S/o Kawaduji Chute** be released on bail in connection with Crime No. 445 of 2023 dated 15.10.2023 registered at Police Station Bhiwapur, Dist. Nagpur, for offences punishable under Section 302 of Indian Penal Code, on his furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- ii. The applicant shall not in any way tamper with the prosecution evidence or pressurize or threaten the prosecution witnesses.
- iii. The applicant shall report to the concerned Police Station on 1st Day of every calendar month till conclusion of the trial.

iv. The applicant shall furnish his current residential address and mobile number to the concerned Police Station and shall inform the concerned Police Station of any change in address or contact details forthwith.

[NIVEDITA P. MEHTA, J.]