Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2696 OF 2026

Shivdas Tukaram Gite .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Vipin Bidkar, Advocate for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 09, 2026

P.C.:

1. Heard Mr. Bidkar, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.40 of 2025 registered with Kharadi Police Station thereafter transferred to Chandannagar Police Station for offences punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

3. Applicant was working as a Stenographer in the District Court in Shivajinagar Civil Court in Pune. He had also given an examination, but was unsuccessful, pursuant to which he was dismissed, but then again reinstated by this Court. Because of this result, he used to be chided time and again for his studies by his wife so that he could be successful at the promotion examination.

4. On the fateful day i.e. 22.01.2025 due to certain squabble and skirmish with his wife, Applicant picked up a house scissor and inflicted a fatal blow on her neck while having discussion with the family of the deceased victim's sister and her husband. *Prima facie*, the incident occurred at the spur of the moment in view of the argument which ensued between the victim and Applicant. Applicant alongwith the family members rushed the victim to the hospital for treatment and he himself alongwith his 5 years old son walked into the police station for surrendering himself and informed the police that in a fit of rage, due to the ensuing argument, he had inflicted a fatal blow with the scissor on the neck of his wife and the wife was admitted to the hospital.

5. The record placed before me *prima facie* shows that Applicant is having a medical ailment of schizophrenia and the various hospital reports of his treatment are placed on record and are also part of the prosecution case. Applicant was arrested immediately and has been in incarceration for the past 20 months. Applicant requires treatment and at present in the jail, he is administered two tablets. The parents of Applicant have filed Affidavit stating that on his release from jail, they shall be taking care of him and he shall be staying with them and a statement will be undertaken by them.

6. *Prima facie*, it is seen that there is no premeditation for the crime, nor is there any clear motive or conspiracy between the victim and the entire incident as documented by the various eyewitnesses who were also present shows that the argument led to a sudden fit of rage and even the son of Applicant and the victim has narrated the incident stating that the argument led to immense anger on the part of Applicant against his mother which led to the unfortunate incident in question.

7. Considering the aforesaid and the fact that Applicant is in custody for the past more than 20 months and considering his severe chronic brain disorder for which Applicant is under treatment from the year 2021 onwards, I am inclined to consider the Applicant's case for grant of bail on the medical ground.

8. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant – Shivdas Tukaram Gite is directed to be immediately released from prison in connection with CR. No.40 of 2025;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one or two sureties in the like

amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

9. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

10. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

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