

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3479 OF 2025

Gulab Krishna Galande	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Mr. Aditya Rai, with Divakar Rai, Raj Tamhankar, Kamlesh Yadav, Vayukumar Shivkumar Tiwari, i/b Rajesh Tiwari, for the Applicant.

Mr. A. S. Gawai, APP for the Respondent-State.

Mr. Prakash Sonawane, PSI attached to Pawai Police Station, Mumbai, present.

CORAM: R. M. JOSHI, J.
DATED: 26th MARCH, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No. 167 of 2020 registered with Powai Police Station, Mumbai, for the offence punishable under Section 302 of the Indian Penal Code, 1860 ('IPC').

2. As per the case of the prosecution, an incident occurred on 16th March 2020 at about 9.40 p.m., when the deceased, i.e., the son of the Applicant, abused him and also assaulted him with a beer bottle on his head. There was a scuffle ensued between them. In the said incident, the deceased with the help of a sickle sought to assault the Applicant, i.e., his father. It is thereafter, the

Applicant having lost his mind, picked up the said sickle and assaulted the deceased on his head, which resulted into his death.

3. Learned counsel for the Applicant submits that the Applicant has no criminal history. It is his argument that this is the case where the defence could be accepted of sudden and grave provocation on the part of the deceased. Thus, it is his argument that the offence under Section 302 of the IPC may not get attracted. He further points out that for a period of 3 years, during the Covid-19 pandemic, the Applicant was enlarged on bail and he had not misused his liberty. It is further pointed out that the eye witnesses are already examined before the Trial Court and as such, there is no apprehension of interference into the evidence of the prosecution.

4. The learned APP opposes the Application by contending that the offence is serious in nature and that the incident in question has been witnessed by the daughter-in-law, the other son, and the wife of the Applicant. It is his further submission that considering the number of injuries caused on the person of the deceased, an intention to kill can be attributed against the Applicant.

5. Since the trial has already commenced, without recording any finding on the material placed before the Court in the charge-sheet, this Court finds *prima facie* substance in the contention of the learned counsel for the Applicant that the Applicant may be able to convince the Trial Court of this being the case of grave and sudden provocation caused by the deceased himself to the Applicant. Since the eye witnesses are already examined, there is no apprehension of interference in the prosecution evidence. The

age of the Applicant is of 65 years with no criminal history behind him. Hence, the following order:-

ORDER

(i) The Bail Application stands allowed in connection with Crime No. 167 of 2020 registered with the Powai Police Station, Mumbai;

(ii) The Applicant be released on bail on furnishing P. R. Bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant is directed to attend all the dates of hearing before the Trial Court unless exempted by a specific order passed by the Trial Court;

(iv) The Applicant not to interfere with the evidence of the prosecution in any manner whatsoever.

6. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
2026.03.26
18:59:25
+0530