



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2990 OF 2023

Revnnath Asaram Unavane	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms. Sana Raees Khan a/w. Mr. Aditya Parmar and Mr. Abhijeet Singh, Advocate, for the Applicant.
 Mr. Prasanna P. Malshe, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 7th MARCH 2024

PC:-

1. Heard Ms. Khan, learned Counsel for the Applicant and Mr. Malshe, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	315 of 2022
2.	Date of registration of F.I.R.	21/11/2022
3.	Name of Police Station	Taloja Police Station, Navi Mumbai
4.	Section/s invoked in Charge-sheet	302, 326 and 34 of the I.P.C., 1860.

5.	Date of incident	20/11/2022
6.	Date of arrest	27/11/2022
7.	Date of filing of Charge-sheet	18/02/2023

3. The Applicant and deceased were contractors at a construction project. As per the prosecution case, there was some dispute between both of them regarding construction work. On 20th November 2022 at about 8.20 p.m., an altercation occurred between them and then the deceased went to the Taloja Police Station for lodging a complaint. Thereafter, the incident in question occurred at 8.30 p.m. on 20th November 2022. As per the prosecution case, the Applicant assaulted the deceased with an iron rod.

4. Ms. Khan, learned Counsel for the Applicant submitted that the Applicant was arrested on 27th November 2022 and there is no progress in the trial. There is a delay of 13 hours in lodging the F.I.R.. Initially the F.I.R. was lodged under Section 326 of the *Indian Penal Code, 1860*. The deceased later succumbed to the resultant injuries on 2nd December 2022 i.e. after 12 days of the incident in question.

5. Ms. Khan, learned Counsel for the Applicant submitted that there are no criminal antecedents against the Applicant.

6. On the other hand, Mr. Malshe, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that the Applicant mercilessly assaulted the deceased with an iron rod. He submitted that there are eye-witnesses to the offence in question. He pointed out the injury in the Post-Mortem Examination Report and therefore submitted that the Bail Application be rejected.

7. Perusal of the record shows that the incident in question occurred on 20th November 2022, F.I.R. was lodged on 21st November 2022, the Applicant was arrested on 27th November 2022, and Charge-sheet was filed on 18th February 2023. Till date, there is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, the prosecution proposes to examine about 25 witnesses. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The deceased succumbed to the resultant injuries after about 12 days.

8. There are no criminal antecedents against the present Applicant.
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant - Revannath Asaram Unavane be released on bail in connection with C. R. No.315 of 2022 registered with the Taloja Police Station, Navi Mumbai, District - Raigad on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Taloja Police Station,

Navi Mumbai on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

12. It is clarified that the observations made herein are *prima facie* and the Trial Court shall decide the case on its merits, and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]