

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

Criminal Application [BA] No.552 of 2015

(Gulab Baban Kamdi

vs.

The State of Maharashtra, through PSO Bhadrawati, District Chandrapur)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Mr. A.C. Jaltare, Advocate for the Applicant.

Mr. V.A. Thakre, A.P.P. for the Non-Applicant/State.

CORAM : V.M. DESHPANDE, J.

DATE : AUGUST 25, 2015.

By the present application, the applicant is seeking his enlargement on bail since he is arrested in Crime No.233/2014, registered with Police Station Bhadrawati, District Chandrapur for the offences punishable under Sections 302 and 294 of the Indian Penal Code.

Heard Mr. Jaltare, learned Counsel for the applicant and Mr. Thakre, learned A.P.P. for the State.

From the papers, it is clear that the investigation is over and the charge-sheet is already filed before the Court of law. Initially, the offence was registered under Section 307 of the Indian Penal Code on the statement of Rajkumar Madavi, who ultimately succumbed to the injuries and, therefore, the offence was converted into the offence punishable under Section 302 of the Indian Penal Code.

The statement of deceased–Rajukar would reveal that the occurrence has taken place on 24/09/2014. The cause of occurrence was a dispute between the present applicant and one Dinesh Maraskolhe, who were fighting with each others, and the deceased, who was the Upa-Sarpanch of the same village, tried to intervene in the said dispute, that time it is alleged that the present applicant had dealt with a knife blow. The postmortem report shows the cause of death is *septicemia*.

Looking to the facts that at the time of occurrence, it was never the intention of the present applicant to cause the death, ultimately during the trial, the offence may scale down from Section 302 of the Indian Penal Code.

In that view of the matter, further custodial presence of the applicant is not warranted. The apprehension of the State can be taken care of by imposing certain conditions on the applicant while releasing him on bail. Hence, the following order :

- ➔ Applicant – Gulab Baban Kamdi be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two solvent sureties in the like amount in connection with Crime No.233/2014 before the trial Court.
- ➔ The applicant shall attend the Police Station Bhadrawati, District Chandrapur twice in a week

preferably on Monday and Wednesday in between 03:00 p.m. to 05:00 p.m. till the charge is framed by the Trial Court.

- ➔ The applicant shall extend his full cooperation to the Presiding Judge of the Court below for early disposal of the sessions trial.
- ➔ The application is allowed and disposed of as such.

JUDGE

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