

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

17 BAIL APPLICATION NO.1282 OF 2020

Navnath s/o Kishan Bhongle
Age : 31 years, occ : agri.,
R/o Chatori, Taluka Palam,
District Parbhani.

Applicant.

Versus

The State of Maharashtra
Through Police Inspector,
Palam Police Station,
District Parbhani.

Respondent

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Mr. A.R. Gaikwad, Advocate for the applicants.
Mr. A.A. Jagatkar, A.P.P. for respondent / State.

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CORAM : V.K. JADHAV, J.

DATE : 07.12.2020

ORDER :-

1. The applicant is seeking regular bail in connection with Crime No. 133 of 2020 registered with Palam Police Station, District Parbhani for the offence punishable under Section 307 of the Indian Penal Code and under Section 135 of the Bombay Police Act. His Criminal Bail Application No. 204 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge, Gangakhed, District Parbhani vide order dated 19.10.2020.

2. Heard both sides.

3. The learned Counsel for the applicant submits that the investigation is over and charge-sheet has been submitted. The applicant is in jail in connection with the present crime since 09.07.2020. The learned Counsel submits that the applicant came to be acquitted in connection with the one murder case referred in the complaint. Except the said case there is no criminal history. The learned Counsel submits that even the applicant is related to the informant. The learned Counsel submits that the applicant is ready to abide the conditions if imposed by this Court while enlarging the applicant on bail including the condition as not to enter in the village Chatori till conclusion of the trial, to avoid tampering of the prosecution evidence.

4. The learned A.P.P. has strongly resisted the application on the ground that the son of the informant has sustained grievous injury in the assault. The injured Prasad remained unconscious for a period of 10 days in the hospital and for some time his condition was critical. The applicant has assaulted the son of the informant only for the reason that though in the said murder case the applicant was acquitted, wife of the informant had given evidence against the applicant in that case. The learned A.P.P. submits that

the applicant is likely to commit similar offence, if released on bail. The application may be rejected.

5. On going through the allegations made in the complaint and on perusal of the charge-sheet, though I find name of the applicant is mentioned in the F.I.R. with specific role attributed to him and though there are eye witnesses, however, the applicant is in jail in connection with present crime since long. Except the earlier case of murder, there is no criminal history as such. As stated in the complaint the applicant allegedly committed murder of his grandfather in the year 2018. The applicant got acquitted in connection with said murder case. The applicant is related to the informant. It thus appears that this is within the family of the informant and the applicant. Apart from this, the injured son of the informant has now been recovered and his police statement also came to be recorded. The applicant has his roots in the society. He is available for trial. As a matter of punishment bail cannot be refused to the applicant. So far as the possibility of tampering of the prosecution evidence is concerned, that can be taken care of by imposing certain conditions. It would be desirable if entry of the applicant is restricted in the village Chatori till conclusion of the trial to avoid the said possibility. Hence, the following order.

ORDER

1. The application is hereby allowed.
2. The applicant in connection with Crime No. 133 of 2020 registered with Palam Police Station, District Parbhani for the offence punishable under Section 307 of the Indian Penal Code and under Section 135 of the Bombay Police Act, be released on furnishing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount, on the following conditions :
 - (i) The applicant shall not tamper with the prosecution evidence in any manner.
 - (ii) The applicant shall not enter within the limits of village Chatori, Taluka Palam, District Parbhani till conclusion of the trial.
 - (iii) The applicant shall attend the concerned Police Station on every Sunday between 8 a.m. to 11 a.m. for a period of three months from the date of this order.
6. Application is accordingly disposed of.

(V.K. JADHAV, J.)