

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 430 OF 2021

Rajkumar Chandrakant Koli,
Age 19 years, Occu. Education,
R/o. Indira Nagar, Adavad,
Taluka Chopda, District Jalgaon. .. Applicant

Versus

The State of Maharashtra,
Through it's Police Inspector,
Adavad, Police Station,
Taluka Chopda, District Jalgaon .. Respondent

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Mr. R. S. Shinde, Advocate holding for Mr. N. L. Chaudhary, Advocate
for applicant
Mr. V. M. Kangne, APP for respondent - State

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CORAM : MANGESH S. PATIL, J.

DATE : 19.06.2021

PER COURT :-

This is an application for regular bail after filing of the charge-sheet in connection with the Crime No. 38 of 2020 registered with Adavad Police Station, Taluka Chopda, District Jalgaon for the offences punishable under Sections 302, 307, 323 and 504 of the Indian Penal Code.

2. Shortly stated the prosecution case is to the effect that the deceased and applicants were having friendly relations. The deceased had spent an amount of Rs.500/- at the time of applicant's birthday and

was insisting for its repayment. It is alleged that both of them along with their friends – witnesses Ajay Subhash More and Ganesh @ Ghanshyam Nawal Mahajan had gone to the field for answering nature's call. However, the deceased persistently started demanding money. Annoyed by his such constant demand, the applicant got enraged and killed him by giving a blow of stick on the head. It is alleged that he also assaulted the deceased on the back.

3. It is the prosecution case that soon after the incident the informant had reached the spot and the applicant had confessed about killing the deceased. The applicant was arrested. Investigation was completed and in due course of time charge-sheet has been filed.

4. Heard the learned Advocate for the applicant and also learned APP. Perused the papers of investigation.

5. It is a matter of record that there are couple of eye witnesses and statement of one of them has been recorded under Section 164 of the Code of Criminal Procedure. Going by the version of these eye witnesses, the four friends had gone to the field and deceased had repeated the demand for money with the applicant, the latter got enraged and gave a single blow of stick on the forehead of the deceased.

6. The postmortem report shows that the deceased died due to

head injury. That is the only injury that was noticed, though the witnesses and the prosecution are coming with the version about the applicant having inflicted blow of stick on the deceased's back.

7. The applicant has been arrested on 25th August 2020 and he is in jail since then. He is aged of 19 years. The incident seems to have occurred without premeditation as the deceased and the applicant seem to have met only co-incidentally. No deadly weapon was used. Only one blow of stick has been inflicted. There are no criminal antecedents. In the circumstances, the applicant deserves to be released on bail subject to usual conditions -

(i) The Bail Application is allowed. The applicant shall be released on bail in Crime No. 38 of 2020 registered with Adavad Police Station, Taluka Chopda, District Jalgaon for the offences punishable under Sections 302, 307, 323 and 504 of the Indian Penal Code, on his executing a personal recognizance for an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) and furnishing a solvent surety in the like amount subject to following conditions -

- (a) He shall not tamper the evidence or influence the witnesses,
- (b) He shall attend the trial regularly.

8. Bail before the trial Court.

(MANGESH S. PATIL)
JUDGE