

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

936 BAIL APPLICATION NO.850 OF 2021

**SACHIN NEMAJI KALE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mrs. Surekha Chincholkar
APP for Respondents/State : Mr. V.M. Kagne
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 26th October, 2021**

PC.:-

Heard.

2. It is alleged that applicant is the step father of the informant. Her mother in law Silima Kale had some golden ornaments which were inherited by the informant after the death of Silima Kale. Lalitabai Kale is the mother of the applicant. She stole golden articles from the informant. When informant and her husband Mayur Kale demanded the golden articles back from Lalita Kale, the applicant threatened the husband of the informant of dire consequences.

3. It is further alleged that there was a quarrel between applicant and his mother Kavita Kale on 07.05.2020. Applicant, his brother Sandip Kale

and other assaulted the informant alleging that mother of applicant Kavita Kale had left the house on the instigation of the applicant. Therefore, applicant Sachin Kale, accused Bundi Bhosle assaulted the informant's husband. Applicant Sachin assaulted husband of informant by means of handle of the sword. Accused Bundi Bhosle assaulted the informant's husband by means of a pipe on his head. He was assaulted by means of iron pipe, wooden rod and by means of sword. On these allegations FIR came to be lodged on the basis of which offence under Section 302, 324, 436, 504, 506 read with Section 34 of the I.P.C. and under Section 4 and 25 of Arms Act came to be registered.

4. Heard Smt Chincholkar learned counsel for the applicant and Shri V.M. Kagne learned APP for the State.

5. Smt Chincholkar submits that the death of the deceased was caused because of blow on the head. Applicant is alleged to have delivered a blow on the back of the deceased by means of handle of the sword. She further submits that there is no eye witness to the incident. Therefore, she prays for releasing the applicant on bail.

6. Shri Kagne submits that there is ample evidence to show that the deceased was assaulted by the applicant. There are eye witnesses showing

that applicant was holding sword. He submits that there is sufficient evidence against the applicant. He, therefore, prayed for rejection of the application.

7. Charge-sheet is filed. It is alleged that applicant delivered blow of hard portion of the sword on the back of the deceased. Fatal blow is attributed to Bundi Bhosle i.e. assault on head of the deceased. Post mortem report shows only one injury on the head of the deceased. Applicant is alleged to have delivered a blow of hard substance of the sword on the back of the informant. He is not attributed with fatal blow to the deceased. In this view of the matter and since charge-sheet is filed and the applicant is behind the bars since 08.05.2020, I am inclined to release the applicant on bail. One criminal case under Section 376, 327, 504, 506 read with Section 34 of the I.P.C. is pending against the applicant. This offence does not show that any offence akin to bodily injury is registered against the applicant. Since charge-sheet is filed no further detention of the applicant is necessary. In view of this, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.152 of 2020 under Section 302, 324, 436, 504, 506 read with

Section 34 of the I.P.C. and under Section 4 and 25 of Arms Act registered with Shrirampur Taluka Police Station, District Ahmednagar.

- III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]