

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 689 OF 2021

Kanhaiya Kumar Sihh alias Kanhaiya Kunwar .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. Prajot H. Jaggi a/w Mr. Daksha A. Parmar, Advocate for the Applicant.
Mr. A. A. Palkar, APP for the Respondent-State.

CORAM : VINAY JOSHI, J.

DATE : 25th APRIL, 2022.

P.C. :

1. The applicant is seeking for regular bail in Crime No. 397 of 2019, registered with Satara Taluka Police Station, for the offence punishable under Section 302 and 201 of the Indian Penal Code.

2. The State resisted the bail application by pointing towards seriousness of offence.

3. The applicant and deceased are related to each other and were serving at stone quarry. To be specific, the deceased was uncle of the applicant and both were residing in one room and doing labour work. It reveals from the police paper that the deceased was insisting the applicant a young boy aged 20 year to have homosexuality. The applicant resisted for that, on which there was a quarrel, in which the applicant dealt a blow at

the head of deceased by iron rod, which was proved to be fatal.

4. During the course of investigation police have recorded statement of nearby witnesses. They have stated about the reason as to why the applicant allegedly dealt a blow on the head of the deceased. The police have seized iron rod at the instance of the applicant. The incident as it stands, *prima facie* discloses that there was no motive for the applicant. As there was a demand for indecent act, quarrel happens in which the applicant dealt a single blow at the head of deceased. P. M. note discloses that there was only head injury due to which death was occurred. Already investigation is complete and charge-sheet has been filed. Having regard to all these facts, the applicant has made out the case for grant of bail. In view of that, the following order:

ORDER

- i) The application stands allowed.
- ii) The Applicant/Accused Kanhaiya Kumar Sihh alias Kanhaiya Kunwar is released on bail in connection with the Crime No. 397 of 2019, registered with Satara Taluka Police Station, for the offence punishable under Sections 302 and 201 of the Indian Penal Code, on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.
- iii) The Applicant/Accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.
- iv) The Applicant/Accused is directed to provide his cell

number and residential address and also his address of native place with contact number to the Investigating Officer.

v) The applications is disposed in above terms.

(VINAY JOSHI, J.)