

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3800 OF 2021**

Kailas @ Appa Bharat Jagtap ...Applicant

Versus

The State of Maharashtra (At the ...Respondent
instance of Jejuri P.S.Pune)

...

Mr.Amit Icham i/b.Sachin Zalte Patil for applicant.
Mr.A.A.Palkar APP for State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th NOVEMBER, 2022.

P. C. :-

1. This is an application under Section 439 of Cr.P.C. filed by the aforesaid applicant who has been arrested in C.R.No.67/2021 registered at Jejuri Police Station for the offences punishable under Sections 302, 506 r/w.34 of the Indian Penal Code

2. Heard Mr. Amit Icham learned counsel for the applicant and Mr.A.A.Palkar learned APP for the State. I have perused the records and considered the submissions advanced by the learned

counsel for the respective parties.

3. The present applicant and the other co-accused were arrested pursuant to the report lodged by Ajay Balaso Jagtap. A perusal of the FIR prima facie reveals that there was some altercation between the applicant and deceased Ganesh Vasant Raut. Later on, at about 11.15p.m., while the complainant and the deceased were proceeding towards their residence, Applicant came on a motor cycle with Hemant @ Pappu Kalbhor as a pillion rider. The complainant has stated that Pappu kicked the motor cycle due to which the complainant and the deceased fell of the bike. It is alleged that, the co-accused Pappu inflicted blows of an Iron rod on the head of Ganesh. Ganesh succumbed to the head injuries.

3. The postmortem report reveals that the deceased had sustained following injuries:

- 1) CLW of 4cm. X 1.5cm and 2.5cm.deep on Occipital region
- 2) CLW of 15cm. X 5.5cm and 4cm.deep on right Temporal region

3) CLW OF 3cm x 1.5cm. And 25cm. Deep on Right lip

It appears that right temporal bone and the skull were broken.

The report indicates that the death was due to head injury.

4. The material on record prima facie indicate the head injury was inflicted by Hemant @ Pappu Kalbhor, and not by the present applicant. The only allegations against the applicant is that he had assaulted the accused by fist and kicks. The role attributed to the applicant does not justify further detention. It is stated that the investigation has been completed. Chargesheet has been filed and the case is committed and is pending trial. Considering the large pendency, the trial is not likely to be concluded in immediate future. Considering the nature of the accusations against the applicant and the material in support thereof, the applicant is entitled for bail. Hence, the application is allowed on following conditions:

- i) Applicant Kailas @ Appa Bharat Jagtap be released on bail on executing PR bond of Rs.35,000/- with one or more sureties in the like amount.
- ii) The applicant shall report to concerned investigating officer on first Monday of every Month till framing of the

charge.

- iii) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- iv) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.
- v) Bail Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)