

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (BA) No.198/2022

Kalya @ Vaibhav Kalbhage V State of Maharashtra thr PSO PS Old City, Akola

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri U.J. Deshpande, Advocate for applicant.
Shri V.A. Thakare, APP for State.

CORAM : ANIL S. KILOR, J.
DATE : 15-06-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.0108/2020 dated 08-06-2020 registered with Police Station Old City, District Akola for the offences punishable under Sections 302 and 504 read with Section 34 of the Indian Penal Code.

2. The learned Counsel for the applicant submits that the post mortem report shows that the death was caused due to head injury. If the story of the prosecution that multiple blows were given by the applicant is accepted, the post mortem report does not support the same. It is further submitted that there was a single injury which sufficiently shows that there was no intention to kill the deceased. He further submits that after completion of the investigation, the chargesheet has been filed

and no further custody of the applicant is necessary. It is further argued that the applicant is in jail since 08-06-2020 and there are no criminal antecedents to the discredit of the applicant.

3. On the other hand, learned APP strongly opposed the application and submits that there are statements of the eye witnesses to corroborate the prosecution story. It is submitted that the offence is very serious. Accordingly, he prays for rejection of the bail application.

4. I have perused the chargesheet. The post mortem report shows that the cause of death was head injury. As per the prosecution story, the applicant has given multiple blows, whereas in the post mortem report, it does not reflect.

In this case, after completion of the investigation chargesheet has been filed and no further custody of the applicant is necessary.

5. There are no criminal antecedents to the discredit of the applicant. The applicant is in jail since 08-06-2020. There is no possibility that the trial will commence in near future.

6. Moreover, there is nothing to show that if the applicant is released on bail, there is any possibility that the applicant will pressurize the prosecution witnesses or tamper with

the prosecution evidence and/or he will not be available for the trial.

7. In the circumstances, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.0108/2020 dated 08-06-2020 registered with Police Station Old City, District Akola for the offences punishable under Sections 302 and 504 read with Section 34 of the Indian Penal Code, be released on bail on furnishing P.R. Bond of Rs. 15,000/- with one solvent surety in the like amount.
- iii) The applicant shall not enter within the vicinity of Old City, Akola, till completion of trial, except for the purposes of attendance in trial.
- iv) The applicant shall attend the concerned Police Station on first day and 16th day of every month between 10.00 am to 12.00 noon.

(Anil S. Kilor, J.)