

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

933 BAIL APPLICATION NO.139 OF 2023

SHYAM EKNATH SALVE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. D.B. Pawar
APP for Respondents : Mr. S P Deshmukh

...
CORAM : S. G. MEHARE, J.
Dated: March 09, 2023

...

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the Respondents-State.
2. It is the case of the prosecution that deceased was residing with the applicant and his mother. He had deserted his wife and children. The deceased used to consume liquor and raise quarrel with the mother of the applicant. On the day of the incident, after consuming liquor, the deceased started abusing his mother. Hence applicant questioned him why he abused his mother. They had a quarrel and in the fit of anger, the applicant picked up a cement stove and threw on the head of the deceased. He suffered injuries and died. Till next date, the incident was not informed to the police.

aaa/-

3. Learned APP would argue that there is a great possibility of tampering with the sole eye witness, who is mother of the applicant. Prosecution had apprehension of tampering with the prosecution witnesses.

4. Learned counsel for the applicant would argue that the applicant would stay out of the village Dhamori, Tq. Gangapur, District Aurangabad and will not tamper with the prosecution witnesses.

5. Perusal of the police papers reveal that the incident happened at the spur of moment as deceased started abusing mother of the applicant. There are no antecedents. Investigation has been completed. There would no propriety in keeping the applicant behind bar. However, certain conditions needs to be imposed to guard the apprehension of the prosecution. Hence, the following order.

O R D E R

- i. The application is allowed.
- ii. The applicant Shyam s/o Eknath Salve be released on bail on executing P.B. and S.B. of Rs.50,000/-, with one solvent surety of the like amount, in C.R. No.0232 of 2022, registered

aaa/-

with the Waluj Police Station, Tq. Gangapur, District Aurangabad for the offences punishable under Sections 302, 323 of the Indian Penal Code, on the conditions :-

- (a) The applicant shall not enter the village Dhamori, Tq. Gangapur, District Aurangabad for a period of six months from the date of order.
- (b) He shall not contact his mother till conclusion of the trial.
- (c) He shall not tamper with the prosecution witnesses.

iii. Bail Application No.139 of 2023 is disposed of accordingly.

(S. G. MEHARE, J.)

...