

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

32 BAIL APPLICATION NO.532 OF 2023

RAOSAHEB SITARAM KALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Vishal Bagal Patil h/f Mr. Kale
Pramod D.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 10.04.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has a case that since there were dispute between two families, he has been falsely implicated in the crime. The false allegations have been levelled against him that he administered the poisonous substance to him. However, the first informant did not admit to the Government Hospital and got discharge on the same day, under the pretext that he wanted to take the treatment in private hospital. If, really he had been administered poison, he would have been hospitalized. The charge sheet does not bear any such document showing that he took the medical treatment for

administering the poisonous substance. Except the allegation of administering poisonous substance to the complainant, there are no allegations against the applicant. This appears to counter the report lodged by the applicant against the first informant for killing his daughter. Therefore, he deserves bail.

3. Learned APP concede that there is no medical evidence to support the allegations, but the witnesses are consistent alleging that the applicant was present and tried to administer the poison to the first informant. One of the person has been died due to administering the poisonous substance by other co-accused. He was the son of the applicant. The offence is serious. The accused are fighting on one count or the other. Therefore, he may not be granted bail.

4. Perused the charge sheet. There is no medical evidence supporting the allegations of administering the poison. The applicant had lodged the report against the first informant for the murder of the daughter, who was wife of the son of the first informant. In view of that matter, it would not be appropriate to keep him behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

(ii) Applicant **RAOSAHEB SITARAM KALE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.379 of 2022, registered by Police Station Waluj, District Aurangabad, for the offences punishable under Sections 302, 307, 328, 323, 324, 143, 147, 148, 149 of the IPC, on the following conditions :

- (a) The applicant shall not enter village Navin Shivrai, Taluka Gangapur, District Aurangabad till the conclusion of the trial.
- (b) He shall not tamper with the prosecution witnesses.
- (c) He shall attend the trial Court on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-