

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

BAIL APPLICATION NO.1265 OF 2023

DAYANAND NARAYAN KAMBLE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. More P. P.
APP for Respondent/State : Ms. V.N. Patil Jadhav

...
CORAM : S.G. MEHARE, J.
DATED : AUGUST 03, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.307 of 2023 registered with Vivekanand Police Station, District Latur for the offence punishable under Sections 302, 452, 109, 114, 143, 144, 145, 147, 148, 149, 504 of the Indian Penal Code and Section 135 of Maharashtra Police Act.
3. The present application was filed before filing the charge sheet. However before the arguments were to open, the learned APP states that she has recently received the information from the concerned police station that the charge sheet has been recently submitted to the Court and it is yet not numbered. For the purpose of the present bail and ninety days are yet to complete, unless the charge sheet is numbered, it cannot be said to be accepted by Court. Hence, the present application may be heard on merit.

(2)

4. The applicant has a case that the incident happened in the locality through which he was passing. The police came there and arrested all the persons present there. The applicant had no acquaintance with the injured and other assailants. He was not the resident of the locality where the alleged incident happened. He was made a scapegoat of the police action. Nothing was recovered from him. There are no antecedents to his discredit.

5. Perusal of the papers reveal that the applicant has a good case for bail. No specific role has been attributed to him. It was a quarrel between two neighbours turned into assault and death of a person.

6. For the above reasons, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Dayanand Narayan Kamble, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the trial on each effective date.

(S.G. MEHARE, J.)