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

**BAIL APPLICATION NO.2010 OF 2022
WITH APPLN/4377/2022 IN BA/2010/2022**

**BALAJI BABU KAMBLE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. G. R. Syed, Advocate for applicant;
Mr. S. B. Narwade, A.P.P. for respondent/State;
Mr. M. N. Kalyane, Advocate for complainant

CORAM : S. G. MEHARE, J.

DATE : 2nd JANUARY, 2023

PC.

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent/State and Mr. Kalyane, learned counsel for the complainant.

2. The deceased and the applicant were relatives. They had a dispute over the land. The incident happened in the field over which the applicant, injured and deceased had the dispute. One of the women died of head injury. The said woman was the sister-in-law of the applicant.

3. The learned counsel for the applicant would submit that the applicant has been falsely implicated in the crime since he is the relative of the co-accused. There were no injuries on the legs of the

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deceased that may be caused due to assault of wooden stick. However, he has referred to the injury certificate of one Parmeshwar who has suffered the grievous injury of fracture on right patela. He would argue that considering the alleged role of the applicant, there are no serious allegations against him. The applicant is married and has the family responsibility. The chargesheet has been filed. The applicant is languishing behind bar since 10.06.2022. Most of the co-accused who were arrested have been granted bail. Hence, the applicant may be released on bail.

4. The learned A.P.P. and the learned counsel for the complainant referred to the post mortem report and pointed out that the deceased had contusion over the right arm, left elbow and abrasion over right knee. Such injuries were caused at the hands of the applicant. Two co-accused are still absconding. The offence is serious. There may be a great possibility of tampering with the prosecution witnesses. Hence, they opposed the bail application.

5. Perused the papers. It has been alleged against the applicant that he assaulted the deceased and injured Parmeshwar with wooden log. The injuries sustained on the arm and elbow were simple. The injured Paremeshwar has been discharged from the hospital. The chargesheet has been filed. Abscondance of the other co-accused

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may not be a ground to refuse bail. Considering the role allegedly attributed to the applicant and completion of the investigation, it would be inappropriate to keep the applicant behind bar. However, the apprehension of the prosecution of tampering with the prosecution witnesses may be guarded by imposing certain conditions. Hence, the following order :-

- i) Application is allowed.
- ii) Applicant – Balaji s/o. Babu Kamble, be released on bail, on furnishing PB and SB of Rs.50,000/- with one solvent surety of like amount, in C.R.No.33 of 2022 registered with Udgir Rural Police Station, Udgir, Taluka Udgir, District Latur, for the offence punishable under Sections 302, 307, 326, 324, 341, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act 1951, on the conditions that;
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall not contact any of the family members of the injured till the conclusion of the trial.
 - (c) The applicant shall attend the trial on each effective date.
- iii) Criminal Application No.4377 of 2022 is allowed.

(S. G. MEHARE, J.)

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