



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.231 OF 2023

JALMA PRABHU BHABOR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Rokade Narayan Gopinath a/w. Adv. Udaysinh
Deshmukh, Adv. Ajinkya Taskar for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 22, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302, 504, read with 34 of the Indian Penal Code (hereafter 'IPC' for short) is registered vide First Information Report (FIR) No.1176/2021 with MIDC Police Station.
- 3.** The allegation in brief is that the applicant is the accused no.2. There are two accused in all. The deceased and accused were working in one company. In the evening, they were having drinks. There was a quarrel between the

deceased and the accused. The accused no.1 got angry and hit the deceased on his stomach with a wooden plank. The deceased fell down. So far as the allegation against the accused no.2 is concerned, it is alleged that he gave two slaps to the deceased and gave two fist blows on the stomach. The cause of death is a result of hemorrhagic shock due to excessive intra-abdominal bleeding due to splenic rupture due to abdominal trauma.

4. My attention is invited to the medical certificate dated 2/12/2021 of the Medical Officer, Municipal Dispensary, Sinnar (Nashik) where it is indicated that there is a possibility of the death being caused due to the heavy wooden plank which was hit on the stomach of the deceased.

5. Considering the role of the present applicant and the fact situation of the present case, in my opinion, as the applicant is in custody since 27/11/2021 and there is no possibility of trial commencing any time soon, the applicant can be enlarged on bail. There are no criminal antecedents reported against the applicant.

6. The applicant is from Madhya Pradesh and therefore,

learned APP while opposing the application for bail on merits also submitted that there is every possibility of his absconding. This apprehension can be taken care of by imposing conditions.

7. The investigation is complete. The charge-sheet has been filed. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant- Jalma Prabhu Bhabor in connection with FIR No.1176/2021 with MIDC Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the Investigating Officer of the concerned police station once every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall stay out of the jurisdiction of the MIDC Police Station, Sinnar, Nashik but shall not leave the area of Nashik District till the conclusion of the trial without leave of the trial Court except for the purpose of attending the trial and reporting to the investigating officer.

8. It is made clear that having regard to the role of the present applicant and in the facts applicable to the present applicant that the order is passed.

9. The application is disposed of.

(M. S. KARNIK, J.)