



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

BAIL APPLICATION NO. 700 OF 2023

1. PRAMOD YESHWANT MALI	
2. GANESH YESHWANT MALI	..APPLICANTS
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Rajesh S. Jadhav, for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 1, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under section 302 read with 34 of the Indian Penal Code registered on 05/10/2022 vide C.R. No.197 of 2022 with Kalvan police station District- Nashik Rural. The applicants were arrested on 05/10/2022.
3. The applicants are 2 accused. It is alleged that on 02/10/2022, there was some quarrel that took place between the deceased and the applicants. My attention is invited to the statement of eye-witness- Vandana Sanjay

Khairnar at page 86 of the paper-book. From the statement, it appears that it is the deceased who had provoked the present applicants. The incident does not appear to be premeditated.

4. Learned APP opposed the application for bail.

5. I have gone through the post-mortem notes which states that the injuries are inflicted on the legs. The cause of death is pulmonary embolism in case of fracture of right leg. The assault was with fist and kick blows and also with wooden stick. Prima facie, the intention does not appear to be murder of the deceased. The applicants are in custody since 05/10/2022 for almost 13 months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. The trial is likely to take a long time to conclude. Further custody only will be by way of a pre-trial punishment in the facts and circumstance of the case. The applicant will face the consequences post-trial if found guilty. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant no.1-Pramod Yeshwant Mali and applicant no.2- Ganesh Yeshwant Mali in connection with C.R. No. 197 of 2022 registered with Kalwan police station, Nashik rural shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount.

(c) The applicants are permitted to furnish cash bail surety in the sum of Rs. 25,000/- each for a period of 6 weeks in lieu of surety.

(d) The applicants 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 applicants shall not tamper with evidence.

(e) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the investigating officer and shall keep him updated, in case there is any change.

(f) The applicants shall attend the trial regularly. The applicants shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)