

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

ANTICIPATORY BAIL APPLICATION NO.1340 OF 2023

Bharat Kundalik Mali

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

...

Mr. Ritesh M. Thobde with Mr. Sagar Tambe and Mr. Changdev Shingade for the Applicant.

Mr. Sandeep Parikh with Mr. Prabhakar M. Jadhav for Respondent No.2.

Mr. S.V. Gavand, APP for Respondent No.1-State.

Mr. Nilesh Taru, IO, Karkamb, Solapur (rural) Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th JUNE, 2023.

P. C. :-

1. The Applicant apprehends his arrest in C.R. No.102 of 2023 registered with Karkamb Police Station, Solapur (rural), for the offences punishable under Sections 302 and 201 r/w 34 of the IPC.

2. Heard Mr.Ritesh Thobde, learned counsel for the Applicant and Mr. S.V. Gavand, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Ramesh Jamdade, son of the deceased -Waman Jamdade. A perusal of the FIR prima facie reveals that on 10/03/2023 at about 1.30 a.m. the deceased had gone to water the sugarcane farm and he did not return on the the next day. His body was found in a nearby well. The records indicate that he had sustained an injury on his scalp.

4. The material on record prima facie reveals that there were blood stains outside the well, which fact prima facie indicates that the death was homicidal. The post mortem report reveals that death was due to head injury. It is stated that sickle, which was used as a weapon of offence has been recovered at the instance of the co-accused.

5. It is stated that there is civil dispute between the family of the Applicant and the First Informant and that they have filed criminal proceedings against each other. Apart from this there is no prima facie material to show the involvement of the Applicant in this crime.

6. Considering this fact this Court had granted interim bail to the Applicant vide order dated 4/5/2023. Learned APP states that pursuant to the said order the Applicant has reported to the

Investigating Officer and that he has co-operated with the investigation.

7. Learned APP states that the investigation has been completed and charge-sheet has been filed against the Applicant. In such circumstances, custodial interrogation is not justified. The Applicant is the permanent resident of the State and there are no chances of the Applicant absconding or thwarting the course of justice.

8. Under the circumstances, interim order dated 04/05/2023 stands confirmed.

9. The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation. The Applicant shall appear before the Trial Court on each and every date unless his appearance is exempted.

10. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)