

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.542 OF 2023

(Satyam s/o Vijay Kamble Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.M. Daga, Advocate for the applicant.
Shri A.M. Kadukar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 04, 2023.

Heard.

2. Present application is for grant of bail filed under Section 439 of the Code of Criminal Procedure in connection with Crime No.497 of 2022 registered at police station Khamgaon City, District Buldhana for the offence punishable under Sections 143, 147, 148, 307, 302, 452, 324, 323, 504 and 506 read with Section 149 of the Indian Penal Code.

3. The accused is arrested on 11th October, 2022. Since then he is in jail.

4. The accusation against the present applicant is that on 10th October, 2022 at about 11.30 p.m. there was some quarrel in the house of Ganga Lokhande wherein the co-accused Shubham Vijay Kamble and his father Vijay Kamble were present. They were followed by 5 to 6 persons and they have assaulted Raju Lokhande and Ganesh Lokhande by means of sticks, iron rods, etc. Incident the said incident, Ganesh has sustained the

grievous injuries and succumbed to the death. On the basis of said report, police have registered the crime against the co-accused - Shubham Vijay Kamble. After registration of the crime, the Investigating Officer has recorded the statements of the witnesses from which the name of the present applicant is revealed, and therefore, he is arrested.

5. As per contention of the present applicant, he was not at all involved in the alleged offence. His name is not in the First Information Report. Subsequently, after thought on 04/11/2012, the supplementary statement of the informant was recorded and he disclosed the name of the present applicant and assigned the role as the present applicant was holding stick in his hand and assaulted the deceased as well as injured. Now, the investigation is completed and charge-sheet is filed. Further custody of the present applicant is not required and prays for grant of bail.

6. Said application is strongly opposed by the State on the ground that considering the gravity of the offence that one person has lost his life and another person is seriously injured, there is *prima facie* material against the present applicant. His bail application deserves to be rejected.

7. Having heard learned Counsel Shri Daga for the applicant and learned Additional Public Prosecutor for the State. Perused the recitals of the FIR. Admittedly, the name of the present applicant is not mentioned in the FIR

subsequently, the supplementary statement of the informant was recorded and he attributed the role to the present applicant that he was holding the stick in his hand and had assaulted the deceased as well as the injured. Similar statements of other witnesses are recorded. Now investigation is completed. Considering the role of the present applicant, general allegation is made against him. There is no specific role attributed either by the informant or any of the witnesses to show that he has given a blow of stick on the vital part of the body of the either of the deceased or of the injured. Considering the investigation is already completed, charge-sheet is filed and no specific role is attributed to the present applicant, his application for bail deserves to be allowed. In view of that I proceed to pass following order :

(i) The application is allowed.

(ii) The applicant - Satyam s/o Vijay Kamble in Crime No.497 of 2022 registered at police station Khamgaon City, District Buldhana for the offence punishable under Sections 143, 147, 148, 307, 302, 452, 324, 323, 504 and 506 read with Section 149 of the Indian Penal Code, be released on bail on executing P.R. Bond in the sum of 25,000/- (Rs. Twenty five thousand) with one surety in the like amount.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

(iv) The applicant shall furnish his Cell-phone number and address along with the address proof before the Investigating Officer.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*