



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

CRIMINAL APPLICATION (BA) NO. 783 OF 2023

Kamlesh S/o. Deepak Kudmethe

VS.

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr A. M. Jaltare, Advocate for the applicant
Ms Trupti Udeshi, APP for the State

CORAM : G.A. SANAP, J.

DATE : OCTOBER 18, 2023.

Heard finally

2. This is an application under Section 439 of the Code of Criminal Procedure, 1973 made by the applicant/accused No.1 seeking bail in Crime bearing No. 469 of 2022 registered at Police Station Wardha, District Wardha. The crime was registered initially for the offence punishable under Section 326 of the Indian Penal Code and later on for the offence punishable under Section 302 of the Indian Penal Code.

3. Learned Advocate submitted that the first application was withdraw because at that time the charge-

sheet was filed and this Court was of the opinion that the trial could be expedited. Learned Advocate submitted that order passed by the Court was not communicated to concerned Court and therefore, trial has not commenced as yet. Learned Advocate submitted that in this case the intention of the accused needs to be borne in mind while considering the bail application. Learned Advocate submitted that the deceased was the relative of the accused. It is pointed out from the report that the deceased had consumed the liquor and was abusing the accused. When he questioned him, as to why he was abusing him, the quarrel ensued between them. The deceased sustained injury and he was admitted in the hospital by the informant. It is pointed out that he died after about 14 days. Learned Advocate submitted that considering the nature of crime and absence of any motive and intention the accused may be released on bail.

4. Learned APP submitted that cause of death mentioned in the PM report can be co-related to the injury sustained by the deceased. Learned APP submitted that the trail can be concluded within a short time and therefore, application may be rejected.

5. It is seen that the cause of the incident was trifle. The deceased was related to the accused. There was no motive for commission of crime. No weapon was used in the crime. The accused gave the fist and kick blows to the deceased and as a result thereof, he fell down. The prosecution would be required to bring home the guilt against the accused for the charge of murder. In the facts and circumstances, In my view, despite framing the charge no progress has been made in the trial. As such, the accused cannot be made to undergo further incarceration. In the facts and circumstances, I am inclined to grant application. Accordingly, I pass the following order:

i) The Criminal application is allowed.

ii) Applicant – Kamlesh Deepak Kudmethe be released on bail in Crime No.469 of 2022, registered with Police Station Wardha District: Wardha for the offences punishable under Sections 326 and 302, on his furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the learned trial judge in the conduct of the trial.

6. The Criminal Application stands **disposed of** accordingly.

(G. A. SANAP, J.)

Namrata