



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 BAIL APPLICATION NO. 319 OF 2024

Datta Sambhaji Kendre

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. S.R. Bagal

APP for Respondent/State : Mr.Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 7th MARCH, 2024.

PER COURT :-

1. The learned advocate for the applicant placed on record copy of the charge-sheet. The same is taken on record.
2. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No. 0244 of 2023 registered with police station, Kinwat, District Nanded, for the offence punishable under Section 304 read with 34 of the Indian Penal Code.
3. It is averred in the report by informant Shivaji Rathod, who is brother of deceased Maruti died by electrocution that the applicant and his brother have negligently gave electric current to the iron chain fencing of the agricultural land belonging to Dadarao Ganpati Karhad. Maruti went there and sustained the electrocution

and died on the spot. Therefore, the report was lodged.

4. The learned advocate for the applicant submitted that the co-accused brother of this applicant is released on bail. Charge-sheet is filed. The applicant has roots in the society. He will not flee away from the trial. It is lastly prayed to allow the application.

5. The learned APP for the State strongly opposed the application and submitted that due to negligent act of this applicant, the death of Maruti occurred. Therefore, the learned trial Court has rightly rejected the application. It is lastly prayed to reject the application.

6. Perused the charge-sheet, particularly report and statements of the witnesses. Without adverting into merits of the case and considering the fact that the applicant has roots in the society, he will not flee away from the trial, trial will take long period, the application deserves to be allowed. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 0244 of 2023 registered with police station, Kinwat, District Nanded, for the offence punishable under Sections 304 read with 34 of the Indian Penal Code be released on bail on furnishing personal bond of Rs.15,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence in any manner.

(SANJAY A. DESHMUKH, J.)

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